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CV:

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Actively engaged in political, social, charitable and religious activities. Always striving to serve the poor and downtrodden of the society.

Main works-

A saga of Sacrifices: Praja Parishad Movement in J&K

100 Documents: A reference book J&K, Mission Accomplished

A Compendium of Icons of Jammu & Kashmir & our Inspiration (English)

Jammu Kashmir ki Sangarsh Gatha (Hindi)

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DAK-PAD

FILE NO:80

What the All Jammu & Kashmir PRAJA PARISHAD STANDS FOR

Letter to Pt Jawahar Lal Nehru Hon'ble Prime Minister from Pandit
Prem Nath Dogra Dated (18-12-1958)

Dr. Syama Prasad Mookerji's Statement on Kashmir Dated 12.4.1952

Letter by Gopal ^{Dasgupta} Sachar

Brother Delegates,

We are meeting after about an year of momentous events. It was on the 8th of August last year that we met here in convention to chalk out our course of action to checkmate the policies of separatism which were tending to make Jammu & Kashmir an independent state with separate flag, separate constitution and a separate head. We pointed out the dangers of that policy and pleaded with the Government of India to put a stop to it, which, we warned them will spell disaster both for the state and the rest of India.

On the occasion we had the privilege of having with us that noblest and bravest of the sons of mother India who has since made the supreme sacrifice by laying down his life for our cause which he had the foresight to realise was the cause of India's Unity. How we wish that he had been with us today here to guide our deliberations. Our hearts are heavy with grief. But we have to go ahead to complete his mission and that alone will be our real tribute to that great martyr.

Dr. Shyama Prasad Mookerjee on that occasion counselled us patience and he promised us that he would use his good offices to make the Government of India see the dangers of their policy in Kashmir. He made heroic and persistent efforts to do so. We too made further efforts to catch the ears of the powers that be in Delhi. We implored them to give us at least a hearing. But could not rise above his prejudices and he was ill advised to treat us, who are his compatriots and country men, as worse than political untouchables. We

In these circumstances were forced to take resort to the path of self-sacrifice, through peaceful and non-violence satyagraha to rouse the conscience of the Indian people and Government and also of the Government of Jammu & Kashmir with a view to make them conscious of the dangers of Sheikh Abdullah's policy of unbridled separatism and to persuade them to change it in the wider interests of the people of the state and the unity of India.

THE SATYAGRAH:-

Our satyagraha which began on the 17th of November, 1952 continued without break till 7th July, 1953 when it was withdrawn. During these 8 months terrible engines of suppression were let loose against us by the Government of Kashmir with the help of Government of India. Most virulent kind of propaganda campaign was also started against us within and outside the state. Not the courage, forbearance restraint in the face of gravest provocation and above all faith in the justice of our cause shown by the people of Jammu proved too much for the might of both the Governments. Their bullets, lathies, Gas bombs as also their systematic

manner and of humiliating the people in various other ways failed to dampen the spirit of our people. Ultimately the oppressor had to admit his defeat. His failure to cow us down has become as patent as the vindications of the cause which we struggled.

TRIBUTE TO MARTYRS:-

I take this opportunity to pay on your behalf and on my behalf our humble tribute to all those martyrs and fighters, known and unknown, who responded to the call of the Parishad and laid down their lives or suffered in other ways. Their sacrifices and sufferings have not gone in vain. They have put new life in our people and created new confidence in them. They have ensured our existence as a free and honourable people in our own homeland as an integral part of India.

THANKS TO THE PEOPLE OF INDIA:-

The role played by the people of India in our struggle which in its ultimate analysis was the struggle for the unity of India has been equally glorious. Under the leadership of Dr. Shyama Prasad Mookerjee the Bhartiya Jan Sangh, the Hindu Mahasabha and the Ram Rajya Parishad extended their active support to us. They made our cause their own, shared our sufferings and grief and thereby proved that unity of India is a living faith in the hearts of the Indian people. Even those who did not actively help us had a word of sympathy for us. In fact it will not be an exaggeration to say that the Congress rulers of India stood isolated in the policy they pursued toward us. The country was with us and it made the greatest sacrifice in the death of Dr. Mookerjee for our cause. I take this opportunity to thank my countrymen outside the state on behalf of the people of the state for their deep and continued sympathy and interest in us.

OUR STAND VINDICATED:-

The hollowness of the propaganda made against us by both the Governments and those who take their cue from the men in power has been thoroughly exposed by now. The events have proved that we were right and that our critics were either misinformed or their judgement had been clouded by prejudices and parties spirit. Our demand for abolition of customs, protection of supreme court etc. was as much for good of the people of Kashmir as of Jammu. In fact the people of Kashmir stood to gain much more than the people of Jammu by the economic and other reforms demanded by the Parishad. The Wazir Committee which consisted entirely of the officials and therefore could not be suspected of partiality for the Parishad has in its report substantially vindicated the stand of the Parishad about land reforms and other economic matters! It is a pity that this report has not been made public so far.

But the real success of our movement lies in the fact that the Government of India as also majority of the ruling group of Kashmir

fact remains that he has been dismissed mainly on those grounds for which he was opposed by the Parishad. But for our movement he might have continued to deceive the people of Kashmir and of the whole country and might have succeeded in his deep laid conspiracies with foreign powers. There cannot be a surer vindication of the stand of any movement than the one provided by the recent course events in Kashmir for our movement.

THE CHANGE OF GOVERNMENT:-

But the change of the Government in itself is not of much significance so far as the Parishad is concerned. Bakhshi Ghulam Mohammad and two of his Cabinet colleagues were members of Abdullah's Government as well, and they too must share the blame for his antinational policies. They cannot shield themselves by saying that they were not heared and that Sheikh Abdullah had become a Dictator. What did the so called representative of Jammu in Abdullah Government do when inhuman torture and repression was being perpetrated on the people of Jammu? What did they do to save the life of our great leader, Dr. Mookerjee, whose life was a national trust in their hands. One of them even tried to defend Sheikh Abdullah by issuing the statement which gave entirely wrong facts about Dr. Mookerjee's death.

NO CAUSE FOR JUBILATION:-

There is ~~U.i.~~ no question of our jubilation over the change. We had no grudge against the person of Sheikh Abdullah. We were opposed to his policies which, as is now admitted at all hands, have proved ruinous to the state. Our attitude towards the new Government will depend on the policies it pursues. If it will honestly work for the betterment of the lot of the people and for bridging the gulf that Sheikh Abdullah's Government had created between the people of Jammu and Kashmir on the one side and between the state and the rest of India on the other, it will have our cooperation in the fullest measure. We did suffer our cooperation to Sheikh Abdullah as well when he took over the administration of the state. Had he not spurned it and had he cared to listen to those who did not agree with him the situation today might have been quite different. I hope that Bakhshi Ghulam Mohammad will not follow in the footsteps of Sheikh Abdullah in this respect. No doubt, he had begun very well. But so did Sheikh Abdullich. It is for him to prove by his actions that he is different man. Let us hope that he will do so in that case he will find we are his best friends.

CO-OPERATION OF EQUALS:-

Our co-operation however will be the cooperation of equals and not of a subordinate with master. We want the people of Jammu, Kashmir and Ladakh to live and prosper as equal partners in the discharge of duties and responsibilities that have fallen on their shoulders. We want all the different parts of the state to remain united in bonds of freedom

ACCESSION & PLEBISCITE

As regards the fundamental question of state's future affiliation Praja Parishad has made its stand clear. We consider the accession of the Jammu & Kashmir state to India as final and irrevocable. There may be difference of opinions about the degree of cohesion but we do not think any loyal citizen of the state can ever question the factum of accession.

HARMFULL AND UNCALLED FOR:-

It is why we consider the talk of plebiscite to decide the future of the state as wholly harmful and uncalled for. Jammu & Kashmir state has since times immemorial been an integral part of India geographically, culturally as well as economically. It became legally and constitutionally a part of India when the Maharaja signed the instrument of accession with the approval of the major political parties of the state.

The common sufferings of the people of the state and the rest of India in the defence of the state against Pakistani aggressors during the last six years have cemented with the blood the age old ties binding us with the rest of India. The supreme sacrifice of the greatest son of India, has further strengthened these ties. It is impossible for us today even to entertain any move which might tend to break or weaken these ties. We are determined to remain indivisible part of mother India and no power on earth can deflect us from our resolve. We will resist to the last man any effort to cut ourselves as under from India, plebiscite or no plebiscite.

PAKISTAN HAS NO LOCUS STANDII:-

We cannot understand the insistence of Pakistan about plebiscite. In the first place Pakistan has no business to interfere in the internal matters of state and India. Offer of ascertaining the will of the people

was made by the Government of India to the people of the state if so decided by them. Secondly Pakistan cannot talk about plebiscite, which is essentially a path of peace, so long as she continue to keep in aggressive occupation of one third part of state and so long as her press and radio continue to cry for war and Jihad. She must know that cries of war and plebiscite cannot go together. She must make up her mind as to what she really wants. Pakistan is mistaken if she thinks that her threats can cow down the people of the state who have had a fore taste of what Pakistan means during the Pakistani invasion in 1947. Further more to allow Pakistan to be a party to plebiscite in the state is to create the religious frenzy in the state which has become the hall mark of Pakistan today.

India and the people of the state cannot allow the poison of religious fanaticism to be injected into the body politic of the state once again. We therefore call upon the Government of India not to give any encouragement to Pakistan by entering into pacts about plebiscite with her. The people of the state do not want it, because they are convinced that it cannot serve any useful purpose and will only disturb the peace of the

the development in the state. It cannot be absolved from the responsibilities for the policies of Abdullah Government which had jeopardised the very existence of the state. The Government ~~xx~~ must also take immediate steps to stop the machinations and intrigue of the agents of foreign powers who have, of late, been very active in the valley.

REFUGEES TO BE REHABILITATED:-

The condition of the refugees from the Pakistan occupied areas of the state also demands immediate intention of the government. Many of them are still wandering in other parts of the country. They yearn to be back in the state. Those who are in the state have not yet been rehabilitated. The previous government had been very callous towards them. We expect the Bakhshi government to take immediate steps to resettle them so that their misery may be ended.

OUR DUTY:-

While it is our duty to press upon the government to take steps to improve the condition of people we ourselves cannot afford to sit idle. During last six years of its existence the Praja Parishad had to launch satyagrah movements a number of times to make the voice of the people heard by those in authority. It has been a period of continuous struggle or preparation for struggle. Our people have suffered a lot during this period. Many of them have been utterly ruined. They deserved our first attention. We should set up a committee to enquire into cases of repression and hardship. It will have to move in the illaqa collect evidences and submit its report to the Parishad. We will have to do whatever little we can to help them. I also expect the Kashmir government to take immediate steps to compensate them. That is the least it can do to expiate for its sins of omission and commission. It is also necessary for creation of an atmosphere of goodwill and cordiality in the state.

MEMORIAL TO DR. MOOKERJEE:-

It is also our duty to do something to perpetuate the memory of those who have laid down their lives for our cause. The greatest of them was Dr. Shyama Prasad Mookerjee. It is our duty to set up a befitting memorial to him and other martyrs. For that purpose we should set up a "Dr. Mookerjee and Jammu Martyrs ~~memorial~~ memorial committee" to collect funds for raising the memorial. I hope the people of the state will contribute liberally toward the memorial funds.

ENQUIRY INTO DR. MOOKERJEE'S DEATH:-

It is a matter of deep pain that the circumstances of the death of Dr. Mookerjee still remained shrouded in mystery and grave doubts have been expressed about the events leading to it. We should reiterate our demand which is also the demand of 370 millions people of India that government should institute an impartial commission consisting of judges of supreme court to enquire into this matter. Otherwise those doubts will

turn into confirmed belief which would not be in the interest of the government and will also shake the foundation of democracy in the country.

COMPLETE THE ORGANISATIONAL STRUCTURE:-

We have also to address ourselves to the organisational work. A draft constitution is being placed before you. I hope you will pass it. It will be our duty to organise the countryside on the basis of this constitution in the shortest possible period. A time table for this purpose will soon be announced. The Praja Parishad is an organisation of the masses and workers and it has received the fullest support of all sections of societies. It is for us now to harness this universal support and give us a permanent standing by spreading out the work of our organisation to the remotest villages.

THREE FOLD CONSTRUCTIVE PROGRAMME:-

At the same time we have to turn to constructive activities. So far our attention and energies were mainly concentrated on struggle. The struggle had its advantages. Besides creating awakening in the people it has brought into the fore-front persons who can make real servants of the people and who have ability and statesmanship to carry their cause to success. But now that we have got some respite from the struggle, we must turn our attention to equally important work of internal reconstruction. There is large field and scope for it. Our people are backward and neglected. They need our guidance and help. The constructive activities can take many forms. I recommend the following three fold programme for your consideration:-

1. Ours is a land of villages. Villages have been the centre of social Economic as well cultural life of our people. There can be no improvement in the life of people so long as the villages remain neglected and present trend of educated people moving out of the villages to towns and cities continues. I would like you to improve the life of villages through construction of link roads, planning and lining of villages streets, opening of schools and reading rooms and taking in your hand such other things as can be accomplished by voluntary effort of the local people. Many of the villages have some families of ex-servicemen. They can give the benefit of their experience for the improvement of village life. Efforts should also be made to start cottage industries in the villages wherever possible.

2. Many of our people are illiterate and absolutely ignorant about ordinary rules of health. As a result the general health of the people is fast falling. The Parishad workers may take in their hands the work of educating the people particular in respect of rules of health. Something must also be done to check the growing evil of drink.

3. Though many of the evils of castism and baradism have been removed and the people of Jammu have been working as one man under the leadership of Parishad yet some more effort is needed to create social

oneness with the rest of the community through our behaviour. Attention must also be paid to our muslim brethren who must be made to feel that they are one of us. The Muslim of the state have the same blood and inheritors of the same culture as the Hindu. It is the duty of the Parish workers to rekindle in their hearts love for that heritage and also of the common mother land through development of social relation with them.

The speeches of our new Premier Bakhshi Ghulam Mohammad have created hopes in the minds of the people. They show an insight into the real problem of the state. But it is essential that the hopes created are speedily fulfilled. I am happy to note that has already taken some steps in the right direction. But much however remains to be accomplished. I trust that his enthusiasm in this respect will continue unabated till the economic rehabilitation of the people of the state is achieved.

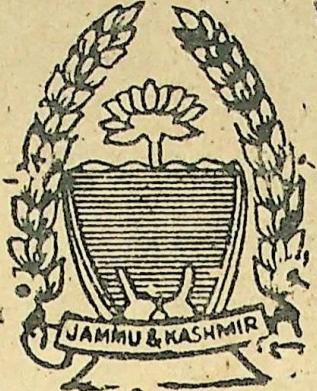
THE GOAL YET TO BE ACHIEVED:-

But even more important for us is the question of fuller unify of our state with the rest of India. We have already made some progress toward the achievement of this goal. But much still remains to be done. For that we will have to be active and vigilant. I hope that state government has by now realised the intensity of the feeling of the people on this question and it will take speedy step to bring about financial integration of the state with India and do such other things as are necessary to bring the state into the position in which like other acceding states of ~~we~~ will be entitled to claim all those benefits which other states derive from the centre and without which it will not be possible to develop the resources of the state and improve the economic conditions of its people.

JAI BHARAT.

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PP-6

JAMMU AND KASHMIR GOVERNMENT

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SUBJECT

PE 1990-91

SPEECH BY PAPDEE BIREN NAWAJI DOGRA PRESIDENT, ALL JAMMU AND KASHMIR
PRAJA PARISHAD JAMMU.

in Delhi

I am thankful to Shri H.C. Chatterjee and you friends for this honour which betoken your sympathy and appreciation for the cause I stand for. The urge of the people of the state whose very existence depends on ~~to~~ the continued support of men, money and material from India, to be one with India is quite natural. The age old ties that bind Jammu and Kashmir with the rest of India have been reinforced by the blood of the thousands of the gallant Indian soldiers who have laid down their lives for the defence of Kashmir from the Pakistani invaders. The Jammu and Kashmir Praja Parishad which organisation I have the honour to lead stands for preservation and strengthening of these bonds.

The Praja Parishad came into existence in 1947 with the object of creating political consciousness in the people of the state particularly of Jammu Province who till then had remained politically backward and to prepare them for playing their proper role in the rapidly changing political situation in the State. The National Conference was almost nonexistent in Jammu till then. The Parishad got enthusiastic response from all sections of the society, Hindu, Muslim and Sikh alike from its very inception. It is a most unfair propaganda that Praja Parishad has always stood for national as against sectarian interest and has fair number of Muslims on its rolls.

During the Emergency period following the Pakistan invasion the Parishad offered its fullest cooperation to the government. Its workers and volunteers did yeoman's service in defending the border villages and rescuing the victims of Pakistan invaders. They also helped in raising the morale of the people through their constant tours of the borders Illaquas. All this naturally endeared it to the people of Jammu.

Unfortunately this growing popularity of the Parishad was not liked by the National Conference to which the power was transferred by the Maharaja at the time of the accession of the State at the behest of the Government of India. Sheikh Abdullah, as he has often declared publically, stands for a complete identification of the party and the Government.

There is no place for an opposition party in his conception of democracy. So pressure was first put that Parishad be liquidated. When that failed a systematic campaign of repression and vilification was started against it which continues to this day. He has been encouraged to persist in the course of action he adopted, I am sorry to say, by the over-indulgent attitude of the Prime Minister Pandit Jawahar Lal Nehru and a section of the Indian Press, in the erroneous belief that relationship between the Jammu and Kashmir State and India depends on the pleasure of the Sheikh Abdullah.

The crime of Parishad which has made it the target of the rage of Sh. Abdullah is its realistic approach to the State's accession. The Parishad holds that the accession of the State to the Indian union is already an accomplished fact and that its legal and moral validity is beyond question. It, therefore, wants that Art. 370 of the Indian Constitution which has temporarily given special position to the Jammu and Kashmir State should be deleted and the Indian Constitution be applied to the Jammu and Kashmir State in its entirety as it has been applied to the other part B States. That alone can make the subjects of the State full fledged citizens of India and give them the protection that fundamental right and the right of appeal to the Supreme Court provide against the Governmental tyranny. The need of this protection is being badly felt by the people of the State particularly the minorities whose very existence is being threatened by the continuous and wilful enforcement of antiquated and tyrannical defence of Kashmir Rules and the subservience of the official to the frowns of the party in power. The minority, it is true, has no right to dictate to the majority but it can certainly claim the protection of the fundamental rights in any democratic state worth the name.

As regards the ruling dynasty the Parishad stands for giving it the same treatment as has been meted out to the ruling dynasties in other states. If the Nizam can continue to be the Rajpramukh of Hyderabad, why cannot the Maharaja of Kashmir be kept as constitutional head of the

State which is not a homogenous whole, but a conglomeration of as many six distinct regions each with distinct culture, language, history and political aspiration.

Sh. Abdullah who professedly stands for the unity of the whole State and claims to speak for forty lacs Kashmiries, which is an extravagant claim as the State is inhabited by 15 lacs Kashmiries, 12 lacs Dogras, fifty thousands Ladakhies and 11 lacs Punjabis, Baltis and Gilgities inhabiting the so called Azad Kashmir territory, is himself cutting at the routes of that unity. Few people in India perhaps know that his Government has cut up Jammu Province and carved out two Muslim majority areas in Doda and Rajouri and made them new districts with the intention of integrating them with Kashmir valley. His latest talk about giving the right to Ladakh and Jammu to secede if they so wished betrays a mentality, I am pained to say, which smacks of separatism and not unity. Let Sh. Abdullah who professes to stand for one nation theory and secular democracy, ponder over what he has been saying in his recent speeches. The people of Jammu, I can assure him, do not want separation. But they do want full accession of the whole State to India. They will never subscribe to the theory of limited accession I say this not as an ultimatum but as an appeal to Sh. Abdullah to reconsider his stand. If we join hands and work together, we can surely carry an overwhelming majority of the people of the Jammu and Kashmir with us. The talk of sentiments of Kashmiries Muslims as an argument against full accession sounds strange in the mouth of Sh. Abdullah. It would have been more appropriate if as a champion of Secularism Sh. Abdullah had shown more solicitude for the sentiments of the minorities as is being done in India and not trifled with their rights in the name of appeasement of the majority.

In the economic sphere the Parishad stands for the land to the tiller and rapid industrialisation. But it wants the economic policies of the state to be in line with the economic policies being pursued in the rest of India. The parishad has no love for the Landlords but it does believe that it is ^{The} duty of the state to provide means to expropriated landlords to assist and useful members of the society in accordance

with the political philosophy of Mahatma Gandhi on which the edifice of free India is being reared by her leaders. It is, therefore, also opposed to the working up of the class struggle as is being done in the state at present.

The Parishad also wants financial integration of the State with India and removal of all customs barriers without which the economic stability of the state cannot be ensured.

The argument that the activities of the Parishad strengthen the hands of Pakistan has no basis at all. This shoe is rather on the other leg. It is not the activities of the Praja Parishad but the interpretations put on them by Sheikh Abdullah and his own utterances that have been providing the Pakistan propagandists handle to beat India with. The Parishad, it should be realised, cannot shut its eyes to what it considers to be clearly detrimental to the best interest of the people for whom it claims to speak and the wider interest of India and the state. The question of accession is a life and death question for the people whom the Parishad represents and it cannot make any compromise on this question.

Sh. Abdullah if he is really serious and honest about his professions should have no fears from the Parishad. I take this opportunity to repeat my sporting offer to him that I made in my public speech a few days back. I am prepared to advise my Working Committee to dissolve the Parishad and lend my full support to Sh. Abdullah, if he declares himself unequivocally and unreservedly for full accession of the state and the ^{in its entirety} application of the Indian Constitution to the people of that State.

Before I close I would appeal to the press and public of India to sympathetically understand and appreciate the stand of the people of Jammu and the minority community in the State. The cause for which the Parishad is fighting is, in fact, the cause of India as a whole. The people of India have suffered for Kashmir almost as much as the people of the state itself. It is, therefore equally their concern to see that sacrifices made for strengthening the links between Jammu and Kashmir State and India do not go in vain.

from the party organisation.

Immediate steps should be taken to extend the full jurisdiction of Supreme Court, Auditor General , Election Commission of Bharat to the state pending the application of the Indian Constitution in full. Hindi, the national language of Bharat, should be given proper place in the educational and administrative spheres to bring the State in line with other states and change the psychology of looking upon Kashmir as something different from the rest of Bharat.

The present State Assembly has done the job of ratification of accession for which it had been convened. It should therefore be dissolved and fresh elections to the State Assembly held at the earliest so that the public opinion in the State should be truly reflected in it and conditions created for the establishment of a normal democratic administration. This has become all the more urgent because of the fact that the communists who have little following in the people, but hold the balance in the present assembly and whip hand in the administration are exploiting their position to make the State a strategic communist stronghold and hitting at the roots of democratic traditions. The representatives of the States to the local Sabha should be elected directly and not nominated by the State Assembly. The election of accession for which it had been convened . It should therefore be dissolved and fresh elections to the State Assembly held at the earliest so that the public opinion in the State should be truly

PRESS INFORMATION BUREAU

GOVERNMENT OF INDIA

PRIME MINISTER'S SPEECH ON KASHMIR
IN COUNCIL OF STATES

New Delhi, August 5, 1952.

Following is the text of the Prime Minister's speech while opening the debate on Kashmir in the Council of States today:-

Mr. Chairman, Sir, I beg to move:

"That the Council do consider the situation in regard to the State of Jammu and Kashmir."

The history of Kashmir is an oft-repeated tale, and during the last four or five years all kinds of accounts have been heard and developments have taken place. A short while ago, I had occasion to say something on this subject in the other House and for the convenience of hon. Members here, as a background of information if I may say so, I believe what I said then has been distributed here.

Well, Sir, I do not wish to go back to the beginning of this problem. Indeed in such intricate problems, the beginnings are in the very roots of nature, but very briefly I should like to go back to the year 1946 when all kinds of talks were taking place here in Delhi City between the representatives of the British Cabinet and the representatives of India, when suddenly in Kashmir the leaders of the popular movement were arrested by the Government of the State there, the Maharajah's Government. Many hundreds of

prominent

prominent persons were arrested and for a few days, there was something in the nature of martial law in the valley of Kashmir. We were rather surprised at the developments because here we were considering big changes in India, all over India including Kashmir, and here was an exhibition of something which we thought was past and gone away with. Indeed the arrests were started with the arrest of Sheikh Abdullah, who was in fact on his way to India to consult us here. On his way to India he was arrested. Many others were arrested later. I tried to get into touch with Sheikh Abdullah even in prison. I sought to go to Kashmir, I had to face some difficulties and ultimately I was arrested there when I crossed the Kashmir border. So, from the middle of 1946 or thereabouts, this new phase started in Kashmir of an open and rather widespread attack on the National Conference and the national movement of Kashmir which had grown during the preceding 15 years or so and had become a fairly powerful and well-organised movement, probably better organised and stronger than many movements in any Indian State in India, those so-called States.

This went on. Now we come to 1947 when round about May or June an announcement was made by the then Viceroy on behalf of the British Government after consulting various people and various parties here, about changes in India. That immediately brought a new factor into the scene. Big changes were taking place and inevitably they would apply to the so-called Indian States also. A little before that we had been conferring with representatives of the Indian States -

-with the

- with the Chamber of Princes - without much result.

But this new announcement immediately made a tremendous change in the scene, because many of the Indian Princes then felt that they had to do something. They could not be merely saying nay to these changing events. They had to adapt themselves to these changes or else perhaps the consequences may be even more disagreeable than otherwise, because the position that was created in the great majority of Indian States in India was a peculiar one. By virtue of the announcement of the British Government they were left high and dry, legally speaking, and it was not quite clear what the position of the Indian States was. Some people even said that they would become independent - free to do what they liked. Of course, they never were independent in the last 150 years or so.

Nevertheless the announcement of the British Government was so worded as might be interpreted in that way.

We did not like that part of the announcement at all.

But while this announcement left them - the Rulers of the Indian States - a certain choice in the matter, events were moving fast and many hon. Members here might remember that in some of these States, in fact before the new Government of India could do anything at all, the people of the States took action. Actually in some States - small States - the people of the States pushed out the then Rulers and more or less sequestered them and took charge of the Administration. In fact, the Government of India to some extent came to the rescue of these sequestered Rulers in some of

these

these States. So the position vis-a-vis the States was, on the one hand, the strong arm of the British Government was withdrawn from the States - from giving protection to the States. It was wrong in a way; it was not, to our way of thinking, a good way. However, it is immaterial, but it was withdrawn. On the one hand, that hand was withdrawn, while on the other hand there was popular insurgence in the States by the people who wanted to be the full sharers of the new freedom to come. Between these two factors and of course there was the new Government of India which was coming into existence. It was in existence in a sort of provisional way. Before the change-over there was the Government of India which represented the nationalist movement of India and which obviously was not prepared to see the Indian Princes continue as they had done previously.

There were these three factors and most of the Indian Princes gradually found that they had no strength to rely upon. They could not look to the British Government nor any of them could look to their own people. In fact, they were afraid of their own people and the new Government of India, though friendly to them, could not possibly accede to their demand or accept them to continue as they were. So in those months preceding independence and partition there was this strange thing that these five hundred and odd States in India were all tumbling over each other to come to terms with the new power in India - the Government of India. It was extraordinary and people outside India were amazed at the change. Many of the

old British officials who were brought up in these Indian thoughts and who had prophesied disaster and who had in fact, if I may say so - some of them, not all - done their best to --they were all surprised and amazed that there was no disaster, bring about disaster, that things went on smoothly and things in these States adjusted themselves to the new order of things.

GENEROUS TERMS TO PRINCES

In this connection, I should like to say that the Government of India, the then Government of India, was greatly helped by the friendly advice that the then Viceroy, Lord Mountbatten, gave to the States, because he told them there was no future for them except by accession to India, or to Pakistan as the case may be. So then, all these States acceded, to India and they acceded only in regard to three subjects - Defence, Foreign Affairs and Communications. These were supposed to be the basic subjects. They acceded and the accession was complete. I should like the House to remember this, that the accession is not a matter of more subjects or less subjects. That is a separate thing to consider. The accession is complete when it takes place and the accession of every State in India was one hundred per cent complete in the month of July or August, 1947, when they acceded on these three subjects only. We had, as the House knows, a great leader bringing about this integration and helping to bring it about - Sardar Patel - and in order to achieve it as quickly and with as much goodwill as possible, we on behalf of the Government of India offered generous terms to the Princes. Now, we may consider them too generous or criticise them in a different context; that is a different thing. But one must remember the state of affairs at that time in India and judge what was done in the context of things then existing, and the context of things was such that

... nobody

nobody knew in India or abroad, how this could be done easily enough. As it was, it was done and it was a miracle how it was done. So we decided that in the balance of things, it would be better to be generous to these Princes in regard to financial matters, not in regard to power, and that it was better to have peace even if we paid/little more for it than conflict which would be much more expensive. So all the States in India, barring two or three, acceded to the Union of India and the accession was complete, although it was only in regard to three subjects. The States that did not accede and which were considered separately were, first of all, Hyderabad, then Kashmir, and one or two minor States. Some of the States went to Pakistan; but that is none of our concern. Now, Hyderabad's story is a very different one and we leave that now.

So far as the Kashmir story is concerned, just before independence and partition, when things were moving at a very rapid pace, the Maharaja's Government in Kashmir decided to release Sheikh Abdullah and many of his colleagues who were in prison and who had been in prison at that time for over a year or so, I believe. They were released because obviously, big changes were going to take place.

A little after their release and that must have been -- I speak from memory -- a little before the change-over in India,

... Sheikh Saheb

Sheikh Saheb came here principally, I believe, to meet Mahatma Gandhi and to confer with him and some others too. His position then was, he said "I have just come out of prison. Many of my colleagues have come out of prison. We should like to study the situation, find out the reactions of the people and then come to some decision". That was his first. The second was : the question of accession of Indian States was very much in the air and he said that "this question of accession is not the first question for us. The first question is that the people's authority should be established in some form or other and then the people should decide this and not by a fiat from the Maharaja. That would not be agreed to by the people of the State". Well, he came and the advice that was given to him was on the lines of his own thinking, that is to say, we said that we do not wish to hustle or hurry things in Kashmir. We wanted some strong foundation for a decision and that, in regard to Kashmir, can only come by the popular will to be associated with that decision, not merely the Maharaja saying something.

As a matter of fact, Sir, some two or three months earlier, when these questions of accession of Indian States were being discussed by us here in the Government of India and sometimes with the British representatives here and sometimes with the Indian Rulers here, we laid down the principle. That was that where there was any doubt about the wishes of the people in a State on accession, that doubt should be resolved by a plebiscite or referendum or some means of ascertaining the wishes of the people. That is

... in the normal

in the normal Indian States, in hundreds of them, this was not challenged and so, there was no question of a plebiscite; where there was a doubt -- doubt sometimes arose from the fact that the Ruler happened to be, let us say Hindu or Muslim and the majority of the people of the State happened to belong to some other religion, there was a possible chance of a doubt of the Ruler deciding against the wishes of his people -- we said that in such doubtful cases the people must decide. What the method of decision should be was a matter we did not go into. This was applied, as a matter of fact, in Junagadh. There was a plebiscite in Junagadh to confirm the previous decision taken.

So, in regard to Kashmir, when we were asked, we said obviously the case of Kashmir is a delicate one and one should not try to come to a decision by some, shall I say, clever means or get the Maharaja to do something. We were keen on the people deciding and so we said 'Let there be no hurry' - though we were hurrying in all the other States. So, in regard to Kashmir we said that for the present there should be Standstill Agreements between the State of Jammu and Kashmir and India on the one hand and Pakistan on the other. That is, they simply carry on as they were carrying on till a decision is made. The idea at that time was that later on, and it was stated in public, I believe, a Constituent Assembly should assemble in the State of Jammu and Kashmir and decide about accession. That would give their decision popular sanction. Well, that was the position at the time of the change-over in India on the 15th of August, 1947.

On that

On that date also, the House will remember, all kinds of upheavals took place. In Pakistan, in the States of India bordering on Pakistan, in West Punjab, in East Punjab and the Frontier Province of Pakistan upheavals took place and all kinds of inhumanities were perpetrated then, which spread even here, to the doors of this Council Chamber in Delhi almost. So we had to face in that month, latter half of August 1947 and September and a part of October, a very serious situation in the North of India and there was always a danger and a risk of this serious situation spreading to the rest of India. Hon. Members who may come from Central or South India may not perhaps realise the situation that North India had to face at that time and memories are short, people forget.

It was a very serious situation and although it was called a communal situation and undoubtedly there was a big communal element in it, it was basically something much more than that. It was an attempt by all kinds of reactionary forces in India to try to upset the new free government of India that had come into being from the 15th August onwards. It was a deliberate attempt to do that and we had to deal with that on that ground. Well, we succeeded in controlling that very serious situation but the memory, not of the situation but of the horror of those days will persist in the minds of everyone who was present or who saw them. I mention these horrible occurrences to indicate to the House how our minds were full of other things. I think it was in July, August, September and October that we were full of dealing with the situation in India which was a difficult one. Of course, in Pakistan the situation was also difficult and horrible atrocities were committed there but that is

none

none of our concern except that it pained us; we were not in charge of that. We were trying to control here so that the question of Kashmir, for the moment, became a distant question! We were trying to control the situation here and we thought 'Well, there is the Stand-still Agreement and it can go on. We shall see later.'

PAKISTAN PRESSURE ON KASHMIR

As a matter of fact, in those days some kind of pressure was exercised on Kashmir by Pakistan, a good deal of pressure in regard to commodities not being allowed to go there through Pakistan and there was also some trouble in those days in the Poonch area. Now the Poonch area of Kashmir is an area full of ex-soldiers of the Indian army - of the army of undivided India. It is a good recruiting ground and it has been, from this point of view, a troublesome area to the State. Now I am not here to judge whether the State did right or wrong - I mean the State Government, the Maharaja's Government - in regard to what happened in the Poonch area at that time but the State Government dealt with the people of the Poonch area harshly and these people who were ex-soldiers and others who were not used easily to submit to harshness, created trouble undoubtedly. Some of them had arms too. So there was some trouble in the Poonch area between the Maharaja's Government and their troops and the people of the Poonch Area. We hardly knew about it simply because we were busy with our own troubles. We had our own things to deal with. Then came some date - I think it was the 25th October - I am not dead sure - 1947 when we heard that a tribal raid had occurred in Kashmir State at a place called Muzzafarabad which adjoins the North-West Frontier Province, and people had come and destroyed, committed arson and murder generally and behaved in a very bad way.

Well,

Well, we were rather put out by this. It never struck us at the time that we should go and help them. It was a far cry to Muzaffarabad from here, and how were we to go? We were worried. And remember, at that time all our military and civil apparatus had just been divided between Pakistan and India.

TRIBAL DEPREDACTIONS

However, the next day the news that came from Kashmir was much worse. The great power-house at Mahova had been gutted and all the power in Kashmir was stopped; all the Valley was in darkness. That itself created some panic. The stories of murders and killings and arson and loot that reached us in the next day or two were terrible. Now, we felt that these tribal people--as we thought they were--would probably enter the Valley and go up to Srinagar. And if they occupied Srinagar, as they well might unless somebody stopped them, there would be the biggest sacking and the biggest killing of Hindus and Muslims alike who were opposing them, and including large numbers of refugees who had gone to Srinagar from Punjab. May I say that while all this upheaval took place in Western Punjab, in Eastern Punjab, etc., in the State of Jammu and Kashmir there was no communal trouble at that time--so far as I know, practically none--and large numbers of refugees had gone through the Punjabs to Kashmir for refuge. Some were in Jammu, and some were in Kashmir. So, we realised that if we did not interfere in Kashmir, the result would be something terrible, in the shape of sacking, looting, and massacre of people in Srinagar and in the Valley. And we had seen all that. We had seen in other places, right up to Baramula. They had sacked the biggish township of Baramula. They set fire to the Convent there and killed the foreign missionaries--sisters, nuns, etc.--in a brutal way.

Now, we found that apart from this tremendous catastrophe that would result from the fall of Srinagar in this way and from the sack of Srinagar, it would undoubtedly rouse tremendous passion in India. Naturally, people in India would feel; "What is this?" They would

... demand

demand of us: "You go looking on when this occurs." And even quite apart from the question of accession and all the rest, if a neighbour of ours, connected with us, is attacked in this way, well, it is in a sense our moral duty to go to his help when called upon. It had nothing to do with accession. It was a separate thing. We were worried by this. Just about that time we got urgent request from two separate and different sources for help--one from the Maharaja's Government--the then Prime Minister of that Government came here post haste--and the other was from the popular party headed by Sheikh Abdullah, which passed some resolution asking for immediate accession to India, presumably because they thought that if accession took place the responsibility for the defence of Kashmir would be ours and then we would rush to their help. But, as I said, accession or no accession, we could have gone to their help as neighbours--not mere neighbours, but a state connected with India in several ways whose final fate--if you like--had not yet been decided.

MAHARAJA'S REQUEST

Now, when we got this request from the Maharaja's Government and the popular party, right from the beginning we had laid stress on the decision being made by the people of Kashmir. And if the request had come only from the Maharaja's Government, in all probability we would not have acceded to it. So, it made a difference that it came from the popular party. It was impossible in those circumstances, of course, to hold a Constituent Assembly and take votes, etc. when an actual invasion had taken place. So, we gave prolonged and serious thought to this matter. I believe we sat for four or five or six hours continuously thinking of this and trying to fashion out what the consequences of giving help would be. It was a very difficult matter helping in a military sense.

... It was

It was a place where we had no forces, where we had to fly over high mountains, where there was hardly any aerodrome, except a temporary one, and so on and so forth. But in the balance we thought that we could not say 'no' to that appeal for help and it would be a betrayal of those people who had been our colleagues and comrades in the struggle for freedom and that the people of India would hold us to account if we did not help them. So we came to this decision probably at 6 O'clock in the evening. Time was of the essence because those tribal people were marching on Srinagar. If they took possession for example of the air field of Srinagar, we would have been cut off completely. We could not go there except very slowly and gradually by the land route. It was a difficult matter. So we decided to send some people immediately. We had no idea at that time what would be the exact situation there. We thought we had to face about a couple of thousands of tribal people and we thought, well, a few hundred soldiers of the Indian army were quite enough for fighting those couple of thousands tribal people. So we sent them by air. We had no regular transport. We commandeered all the civilian planes. At 5 O'clock in the morning, within 12 hours of our decision, the Indian soldiers were flying to Srinagar. And from the air port they went directly to the firing line which was probably within about 10 to 15 miles from the air port. As a matter of fact, in all probability, Srinagar would have fallen long before we got there but for two facts - two entirely separate facts. One was the perfectly remarkable sense of discipline that the common people of Srinagar showed because Government had collapsed there. The Maharaja's Government had completely collapsed and again all the offices had gone to Jammu. There was nobody functioning, no police, nothing of the sort. The people of Srinagar, of course guided and led by the National Conference and their volunteers, organised the city during those

... critical

critical days. All the shops remained open even though there was firing being heard at 10.00 O'clock in the night. That was the major fact which saved Srinagar. Another major fact was that these tribal people were so anxious to loot everywhere that they delayed their advance. They got held up in Baramulla where they looted and feasted. And thus we got enough time to get there just before they started. Well this is how our intervention helped in saving Srinagar.

Now we had accepted the accession of Jammu & Kashmir State. Speaking strictly and in law, the accession was with the Maharaja's Government. That was the rule laid down by the British Government and accepted by us because they were the ruling authority. But we wanted to strengthen that by knowing what the popular feeling there was and when we knew that the one big popular organisation there was also in his favour, then we had no doubt about it. Now that accession was exactly on the same lines as the accession of any other State in India, i.e. in regard to three subjects, Defence, Foreign Affairs and Communications and the accession was complete in law and in fact, although we did say then clearly and publicly that later, when an opportunity arises, the people of Kashmir will confirm this and will finally decide about it. That was because we did not wish anybody to say that in the moment of danger and peril and hurry we took advantage of that situation and finalised something. So the first point to remember is that the accession in law and in fact was complete then. Some people apparently got the mistaken notion from what I said in the other House a short while ago that now the accession is complete because of something that we have done now. That is wrong. The accession was complete on the 27th or 28th of October 1947 in law and in fact.

Shri Nehru....

Not only in law and in fact, but it had the popular backing of the greatest popular organisation there. It is true that we have said in accordance with our policy that we would give an opportunity to the people of Kashmir to confirm this, to finalise this or do what they liked from their point of view. That is to say, suppose that the people decided ultimately against accession, then that meant, so far as we were concerned, that we would cancel it. Much as it might hurt us, we would cancel it because we have given our word, but that did not lessen in any degree the total 100% validity of the accession. That is the position. Then the war in Kashmir started. We pushed the tribal folk into the mountains from the valley.

PAKISTAN'S COMPLICITY

Then a curious fact came to our notice that behind the tribal folk was the army of Pakistan sitting there, the regular army of Pakistan. It may be that they did not function as such; they did not call them a regular army. For some time they tried to hide this fact. That made a difference. It was one thing to deal with the tribal folk and it was quite another thing to deal with a regular army, the army of a modern State. Round about the region of Uri we came across this army and there we stopped for the time being. Well, this war developed elsewhere in Kashmir State, and it was patent that the Pakistan Army was fighting against us. We pointed this out to the Pakistan Government right at the beginning but they went on denying this fact that the Pakistan Army was engaged. They said that the tribal folk had marched through their territory but they could not stop them. They were excited because they had heard that their co-regionists were being ill-treated; they could

not stop.....

not stop them, in fact that they had nothing to do with them.

In this connection, it may interest members that recently in Pakistan the Khan of Mandot, who was Prime Minister of West Punjab at that time, has made a claim on the Pakistan Government for money. His claim is that he had spent personally out of his pocket Rs. 68,000 for organising the invasion of Kashmir. He did this on behalf of the Pakistan Government and he claims the money from the Pakistan Government. This is very interesting. Of course we knew that one of the chief organisers was the Chief Minister of the North-West Frontier Province then and now. He has not changed since then, although the Chief Minister of West Punjab has changed. The then Chief Minister of West Punjab now claims money, recompense if you like, for his organising the tribal invasion of Kashmir at that time. It throws a very clear light on the situation as it then was.

Now, the Pakistan Government went on continually denying that they had anything to do with this, which was an extraordinary thing. We came up against their army, we captured materials belonging to the Pakistan Government and we exhibited them here in Delhi and elsewhere. Then the question came before us as to where all this was leading to. Was this going to lead to an all-out war with Pakistan or not? We did not want an expansionist war or any war. First of all our minds were not conditioned for war in any way, at any time, more so than when we had just come to freedom with all sorts of schemes and planes before us. Were we going to put an end to those schemes by making war with our neighbours when we had all along functioned, however imperfectly, in an atmosphere of peace and non-violence in our national movement?

... And

And after us to jump into war, was an extraordinarily difficult thing to do. That was one thing. Secondly, it was a day after the change-over, you might say. We were just trying to settle down and so we did not want this war and we knew that such a war would be catastrophic. And yet how were we going to fight this war - this limited war in Kashmir State? Were we to allow Pakistan armies to hop across the frontier, hit us and go back? That was a difficult problem. Normally speaking our army people - our Generals - would like to go and hit the Pakistan Army where it was instead of waiting to be hit. After much thought we decided that we should take some steps to prevent the extension of this war and, if possible, to stop it. We were quite sure, dead sure of our position. It was as clear as daylight. Legally the accession was complete and proper. Nevertheless we said that the people of Kashmir could even upset this final decision and we would accept the people's voice. So why not leave it to them and why all this trouble?

So we decided to go to the United Nations and we went there with a very simple plea. We said that certain tribal people have come across Pakistan and attacked Kashmir without any rhyme or reason. The Government of Pakistan has allowed them to pass through its territory and thus aided and abetted them. So far as I remember we did not even say that the Government of Pakistan itself had sent its army into the State. We merely said that Pakistan had aided and abetted them and we asked the United Nations to ask the Pakistan Government not to help the raiders. That is all. Our demand was that they should not help the raiders and we shall deal with the situation, because we did not wish to get entangled into a regular war with Pakistan. The

..... Pakistan

Pakistan Government's reply was a clear denial of their having anything to do with the raiders. Now, apart from the facts that came out then, the facts that are now coming out show how false their denial was. It was a regular organised thing from the Pakistan side, from West Punjab. Then, in the Security Council, for about four or five months this matter was discussed, much to our amazement. A very simple question that we had put was never answered. Either what we had said about the facts was proved or it was false. Well, we did not expect the Security Council to take our word for it while another country was challenging it, but the obvious course for them was to find out factually what the truth was. Instead of this, there were long discussions on other subjects there. To the end, the Pakistan Government went on denying the facts that they had nothing to do with it. Then the Security Council sent a Commission here - the U.N. Commission. They came here and a little after their arrival here, for the first time, Pakistan admitted having armies in Kashmir, which they had denied till then, and gave some reasons, that they were afraid of being invaded by India through Kashmir. It was rather a far-fetched excuse, because if India wanted to invade Pakistan, she would hardly go across the Himalayan mountains to do so. Pakistan is quite near on this side here. There was no reason in it. However, these things went on, fighting and all that, and at the end of 1948, I think it was December 31st, a cease-fire was agreed to, and since then there has been no regular fighting, though there have been petty raids. There has been no regular fighting since then, but since then also no step has been taken for a regular truce and matters remained as they were although all these Commissions had been talking about a truce and other steps that might follow.

I do not wish to take the House into all these complicated talks with the U.N. Commission. There are two basic Resolutions, one passed, I think on the 13th August, 1948 and the other probably on the 5th January, 1949. These were accepted by us

..... and accepted

and accepted by Pakistan, in fact passed with our consent we might say. But in regard to both, subsequently a certain difference in interpretation arose between Pakistan and us. Our interpretation is quite clear and it was put down in black and white in certain side memoirs that we had given. But Pakistan refused to accept our interpretation and this is one of the reasons why we go on talking interminably before the Security Council or elsewhere.

The present position is that Dr. Graham has now invited us and invited Pakistan to a conference at ministerial level in Geneva to discuss the matters that we have been discussing for the last year or so with him that is what is called demilitarization, that is to say, reduction of forces in Kashmir. He has confined his attention to this particular matter only during the last year. He laid down twelve proposals out of which seven or eight were agreed to, but the others were not agreed to as between Indian and Pakistan. Now he wants to pursue this at ministerial level in Geneva. It was difficult for us to go to Geneva at this time and we invited him here. We told him as previously: "We are perfectly prepared to have talks with you, but then it is difficult for us to come to Geneva." And we suggested that the ministerial meeting might take place in Delhi. But this was not accepted by the other party and so ultimately we agreed to a meeting in Geneva and the meeting in Geneva is going to take place or rather begin on the 25th August, that is, this month, and it is likely to last for seven or eight days. The time is fixed. And I am glad to say that my colleague, the Leader of this House, Shri Gopaleswami Ayyangar is going to represent our Government there.

Now, at this meeting, presumably they will consider the discussions that they have already had. It is suggested that they may consider other matters and explore other avenues. Our attitude always has been that subject to certain basic principles that we adhere to, certain basic responsibilities of ours being guarded, we are prepared to explore every avenue for peace.

While all this was happening in Kashmir, - war and other things, - in the rest of India, the process of integration of other States went much further. Mind you, the process of integration went further. The accession of every State was complete. This fact I go on repeating because there is some confusion. The accession of every State was complete when first it acceded in 1947.

... But,

But, a further process of closer integration took place later in regard to most of the States and you all know about it. Now, that process of further integration could not possibly apply to Kashmir because in the very nature of things with the Security Council and the United Nations Assembly, it could not apply. Apart from that, it could not apply because we had ourselves said, both to the people of Kashmir and to our people, as also to the people of the world alike, and we had given certain assurances, that in such matters we shall proceed with the consent of the people of Jammu and Kashmir who will decide the issues ultimately. It never struck us that that process of integration that was taking place in other States in India could possibly be applied to Kashmir at that stage. If we had tried to do it, it would have meant our breaking the pledge we had given to the United Nations and to the Kashmir State itself.

Then, we arrive at the period of, was it November, 1949 - when our Constituent Assembly was finalising our Constitution. By that time, the other States had integrated closely and we had a Chapter in the Constitution -- I believe it is Chapter VI or whatever it is, it is quite immaterial -- dealing with Part B States. Originally, when we started framing our Constitution, it was not quite clear whether the internal constitution of the States would be the same as that of the Government of India or not. Some States, of course, had merged and were absorbed in Provinces and others were not. But, Sardar Patel proceeded on these lines and brought about a large measure of uniformity by this closer integration. That could not, obviously, take place in regard to Kashmir. The question was completely different. So, when we were finalising our Constitution, the question arose as to what we are to say about Jammu and Kashmir State. It was in reply to that question that Article 370 was brought in into our Constitution. It is in the Chapter headed "Temporary and Transitional...."

"Transitional Provisions". I have no doubt hon. Members have seen that Article but, nevertheless, I should read it out.

"370(1): Notwithstanding anything in this Constitution,

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir (This article is in regard to the Part B States);

(b) the power of Parliament to make laws for the said State shall be limited to-----

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

EXPLANATION: For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

(c) the provisions of article I and of this article shall apply in relation to that State;

(d) such of the provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:

Provided further that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government."

"If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon."

At that time.....

At that time there was no Constituent Assembly in Kashmir. Nevertheless this Article 370 envisages that the Constituent Assembly should come in there and should give its consent to any changes in this matter.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification."

I have read Article 370 because Article 370 as framed at the time by the Constituent Assembly in 1949 will govern, in so far as our Constitution is concerned, our relations with the Jammu and Kashmir State. Article 370 is obviously in the nature of a transitional article but it lays down the process of change. We did not wish, in the course of that change, to have an amendment to the Constitution as it will be a big matter. Therefore the President is authorised to make these changes by public notification etc. but everywhere in this you will see that the President can only do so with the concurrence of the Constituent Assembly of the State, in consultation with the State in some matter and in other matters with their concurrence. That is the position as it prevails today. As a matter of fact, when this Article 370 took shape here, as far as I can

... remember,

remember, I was out of the country for a long time - I had gone to America. So I was hardly conscious for a long time afterwards of this Article 370 because I was not here. That has been the position. Now, this position might well have lasted some time longer, but for the fact that the Constituent Assembly of Jammu and Kashmir came into existence and came into existence with our goodwill and with our consent. Now it is sitting down to draw up its Constitution. When it is drawing up its Constitution, it has to be in some precise terms; it cannot be fluid. Therefore the question arose that nothing should be done by the Constituent Assembly of the Jammu and Kashmir State which does not fit in with our Constitution, which in no sense is contrary to it or conflicts with any part of it. That was why this question arose now to consider. Otherwise it did not much matter whether we considered it now or a year or two years later. Of course it is better to make the position clear and the sooner it is done, the better.

Therefore, it became necessary for us to deal with the leader of the Kashmir Government and the Constituent Assembly and discuss these matters. We discussed at some length a week or a few days ago, and the decisions we arrived at have been announced in the press. The position therefore has been-not to-day not because of our decisions or agreements but from the moment of accession in October 1947-that:

"The Jammu and Kashmir State was a constituent unit of the Union of India and part of the territory of India."

... That was

That was the legal position since October, 1947. Now, as a consequence of all this it follows that residents of the State are full citizens of India like any others. They have the right as such to be represented in Parliament here in both Houses.

SPECIAL PRIVILEGE

The point was raised by the representatives from Kashmir that certain old privileges dating from several generations past attached to what used to be the State subjects. These are especially in regard to acquisition and holding of immovable property, appointment to services, scholarships and the like. Now, hon. Members know that Kashmir is supposed to be one of the world. And apart from its being of a beauty spot, the beauty spot, there are many other things which attract people there. And from olden times the old Maharajas, who succumbed to many things that came from the then British Government, did not succumb to one thing. They were afraid that the climate of Kashmir and its other attractive features being what they are, that Kashmir might become a kind of colony of the British if they came and settled down there in large numbers. They were afraid of that. So they stuck to one thing -- that no foreigner could acquire property in Kashmir. And they did keep them out. They made rules to the effect that only State subjects could acquire property except by special permission, and so on. In fact they have made four different classes of subjects for that purpose. Property was given to Class I and Class II. These rules in regard to property still subsist. These are the rules in regard to property in Kashmir and everybody in Kashmir, to whatever group or community or religion he belongs, wants to uphold these rules.

... Naturally,

Naturally, because they are for the benefit of the residents of Kashmir, whether Hindus or Muslims. They are afraid that people from India or elsewhere, rich people and others, might come and buy up property there, and thereby gradually all kinds of vested interests would grow up in property in Kashmir on behalf of people from outside. So far as we were concerned, we thought that this was only the existing law there, and the existing law prevails under article 370 of the Constitution, which I have just read. We thought it was a perfectly justifiable feeling on their part, and that acquisition of property in Kashmir State should be protected on behalf of the people there. They propose, quite rightly too, to change their present laws on the subject, as they are too cumbrous. They have made some simple rules. Nevertheless, in essence, they are to regulate acquisition of property by outsiders in the State. The House will perhaps remember that we have given protection in this regard in various parts of the territories of India. For instance, in the North-East of Assam tribal areas we have given them protection. No body from outside can go and take possession of property there, because if we once give them permission, there is no doubt that these tribal people will be exploited by outsiders who go there and buy up their lands and use them for making money while the people of those areas will go to the wall.

So....

So we agreed that to avoid exploitation of the State territory it was desirable that these rights and privileges should continue. As a matter of fact, under Article 19(5) of our Constitution this was clearly permissible - and that is our view even now - both in regard to existing law or any subsequent legislation. But if there was any trace of doubt, it should be made clear.

Another point was put before us. It was obvious that the residents of Jammu and Kashmir State, who have had to leave the State on account of the disturbances that were taking place in the last 3 or 4 years, should be entitled on their return, to citizenship. As a matter of a fact we have made some provision for the whole of India in this respect. Now Kashmir's case is somewhat different from the other one. But the same principle applies and we agreed to that principle. So we agreed to this: "The State legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more specially in regard to acquisition of immovable property, appointments to services and like matters. Till then the existing State law should apply". We agreed that special provision should be made governing citizenship for the return of the permanent residents of Jammu and Kashmir State who went to Pakistan in connection with the disturbances of 1947 or earlier in fear of them and could not return. If they return, they should be entitled to the rights and privileges and obligations of citizenship.

FUNDAMENTAL RIGHTS

Then in regard to the Fundamental Rights, a number of points...

points arose, the chief point being the one relating to the land reform. The House knows that very substantial land reform has taken place in Kashmir. In other States of India too land reform has taken place. The main difference has been that in Kashmir compensation as such has not been given. What has been allowed is that land-owners have been permitted to keep about 23 acres of land. Each individual land-owner has been allowed to keep 23 acres of land plus orchards plus various other things. Orchards are very important in Kashmir, of course. So that, although no compensation has been given, a fair amount of land has been allowed to be kept by an individual. That presumably would not have been possible if our Fundamental Rights, as they are now, had applied to Kashmir. It is obvious that one cannot set aside all that land reform there or make it subject to litigation in the various courts, apart from the fact whether we agree or not in principle. Personally I feel that this land reform is one of the biggest things and desirable things they have introduced in Kashmir - the land reform in the way they have done it. So when we consider Fundamental Rights, we have to see to it that in Kashmir this step of land reform cannot be challenged in a court of law. The position of Kashmir is obviously very special owing to the invasion of the State by Pakistan, subsequent war and seizure. Constant infiltration of raiders for sabotage and for creating other troubles are taking place and very special precautions have to be taken. It is necessary, therefore, for the State Government to have authority to deal with the situation and if under the guise of Fundamental Rights this authority is limited or taken away from them, the situation there might become very difficult for them to handle.

SUPREME COURT

Then it was agreed that the Supreme Court should have original jurisdiction in respect of disputes mentioned in Article 131 of the Constitution of India. It was further agreed that the ...

the Supreme Court should have jurisdiction in regard to Fundamental Rights which are applied to that State. On behalf of the Government of India we recommended that the State Advisory Tribunal in the State, which is designated as His Highness's Board of Judicial Advisers, should be abolished, and that the jurisdiction exercised by it should be vested in the Supreme Court of India; that is to say, the Supreme Court should be the final Court of Appeal in all civil and criminal matters as laid down in the Constitution of India. The Kashmir Government delegation said that they had no objection to this but they would like to consider the matter in some detail.

HEAD OF STATE

Then comes the question of the head of the State.

"It was agreed: (1) that the Head of the State shall be the person recognised by the President on the recommendation of the Legislature of the State. (2) He shall hold office during the pleasure of the President. (3) He may by writing under his hand, addressed to the President, resign his office. (4) Subject to the foregoing provisions of this article, the Head of the State shall hold office for a term of five years from the date he enters upon his office, provided that he shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office."

This is almost identical with the language used in our Constitution for the appointment of Governors.

Then, with regard to the National Flag. It was made clear that "the National Flag was the supreme flag and it had exactly the same status and position in the Jammu and Kashmir state as in any other part of India. The State Flag was in no sense a rival to the National Flag, but for historical and sentimental reasons connected with the struggle for freedom in Kashmir, they wanted this State symbol to continue." This was agreed to.

It was also agreed that the powers to reprieve and commute death sentences should belong to the President of India.

FINANCIAL ARRANGEMENTS

"It was also decided that the financial arrangements

between the State and the Government of India should be considered further and details worked out."

Then with regard to emergency powers, "it was agreed that article 352 of the Constitution should apply to the State with the addition at the end of the first paragraph of the following words:

"but in regard to internal disturbances, at the request or with the concurrence of the Government of the State."

These were the major things that were agreed to.

We met of course not as rival parties but as friends trying to hammer some way out of a certain difficult situation which had arisen during the last few years, difficult because it is not a matter entirely for us in India to determine. It is an international matter. The United Nations have come into the picture. War comes into the picture. Therefore we have to keep all these factors in view. Therefore it becomes inevitable that the case of the State of Jammu and Kashmir should be treated in a somewhat different way from that of the other States in India. To say that it must be put on the same level at present has no meaning, because the circumstances are not the same. Things have happened in the past, invasion and war, and all kinds of things are happening there, apart from the United Nations and apart from the pledges we have given. Therefore, I submit to the Council that the agreements, that have been arrived at, which have to be worked out of course gradually, are satisfactory from the point of view naturally of India as well as from the point of view of one of the States of India, i.e. the Jammu and Kashmir State, and I hope that this Council will express its approval of the line we have adopted in this matter. Sir, I move.

VRB/RSM/DS

840/5.8.52

1952

In Indian Parliament, Prof. Shibbon Lal Saksena referred to the recent disturbances in Jammu. He said:-

" Then, I want to say something about the recent unfortunate disturbances in Jammu. I have seen the versions of the Praja Parishad and the Government. I am sorry to have to say one thing. The Hon'ble Mr. Gopalaswami Ayyangar is dealing with this complicated subject and I do not wish to say much. But, I want to say that in the present situation, the Government of Kashmir should have been very careful to see that such incidents do not take place. It was a small matter; it could have been easily settled. Even the Government version admits that there was display of a party flag as a State function in a Government School. The students objected to it. They had a right to do so. For this, they were arrested but released at night. The college Principal fined them Rs. 100 each. Then some students fasted in protest. The hunger-strikers were sent to jail. To send them to jail when they went on fast was most cruel. The whole city protested against these arrests and processions were taken out in the city which were lathicharged and the Indian Military was called into the city to terrorise the people. This has been called a revolt inspired by the Praja Parishad.

" I have great respect for Sheikh Abdulla as a leader. But, I am shocked at these happenings. That a man like Shri Sant Ram Baru, Advocate, Jammu, who was formerly a member of the National Conference Executive, should be forced to come to India in tattered clothes without even a bedding, like a revolutionary absconder, to tell us what has happened in Jammu is a blot on Sheikh Abdulla's administration. It shows that the Hindu minority in Jammu is being oppressed. It has been tried to be made out that it was a movement without support. But, the admission that a thousand Hindu ladies took part in the protest procession in which thousands of other people also took part, that in fact the Indian military had to be called in to control the situation, shows that the government movement had a large public appeal behind it. There is therefore a clear case for a public inquiry to discover the truth. I hope Sheikh Abdulla will appoint a committee which will inspire confidence and will see that such things do not happen again. I had hoped that he would set standards which other people would follow. Therefore, I am disappointed. If such things had happened in our Indian provinces, the whole country would be shaken. I expect that in Jammu he will try to deal with the situation with tact and intelligence and see that the present tangle is soon resolved.

Pt. Prem Nath Dogra has been arrested and many people have been extorted. I understand that Pt. Prem Nath Dogra has been taken to Srinagar jail in these cold January and February months, when there is heavy snow. He is a man of 70. Is it not cruel? I know Pt. Prem Nath Dogra, he is the most respected citizen of Jammu and he is the real leader of the people of Jammu. By persecuting him, Sheikh Abdulla's Government is widening the gulf between itself and the people of Jammu and is sowing seeds of future trouble which it will repent.

It is said that the Praja Parishad is a communal party. Many do not agree with this view. But, suppose it is the Hindu Sabha or Dogra Sabha of Jammu Province. Still, it is the only organised opposition party there. There is no Socialist Party; there is no Kisan Mazdoor Praja Party there. The government may not like its politics. But, it is the only opposition party.

I hope those remarks of mine will be taken in the spirit in which I have made them. I wish to see Kashmir as the standard-bearer of Hindu-Muslim unity. Therefore, I would appeal to Sheikh Abdulla and his government to close this unhappy chapter. All students should be released unconditionally, so that they may break their fast, and all the leaders arrested or extorted should be set at liberty. The delicacy of the situation demands it."

Statement made by Hon'ble H.V.Kamath Esq. on Jammu affair during the general debate on Budget for 1952-53 on 3rd March 1952.

----- My Hon'ble friend Prof. Shibbon Lal Saksena has referred to Jammu and Kashmir and I would not repeat the points that he has made out. But I can certainly say that I hope that our troops and our armies in Jammu and Kashmir will not in any way lend themselves to be used or exploited for the suppression or for dealing with the internal disturbances in Jammu-Kashmir. And I would like to say, before I close that it is rather a paradox that the Praja Parishad of Kashmir which stands for complete integration of Kashmir with India and the abolition or deletion of article 370 from the Constitution should be looked down upon as a hostile body and it behaves Shri Gopalaswami Ayyangar is known to be a very good conciliator to bring about better relations between the National Conference and the Praja Parishad of Kashmir so that the future of Kashmir may not be in jeopardy."

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CHAPTER - III.

SETTING UP OF THE CONSTITUENT ASSEMBLY.

Setting up of The Constituent Assembly

A Constituent Assembly has been defined variously.

According to Walter F. Dood it is "a representative body chosen for the purpose of considering and either adopting or proposing a new Constitution or changes in the existing Constitution".¹ Where as Abbe Sieyes defined it as "an assembly of extraordinary representatives to which the nation shall have entrusted the authority to make a Constitution or at any point to define its Content".² Sir Ivor Jennings has mentioned the following situations in which Constituent Assembly comes into being:-³

1. where there is a great Social Revolution; or
2. the nation throws off the yoke of a foreign conqueror or
3. in some way separates from its roots; or
4. when a nation is created by the fusion of smaller political units.

The First factor led to establishment of Constituent Assembly in France (1789) and in U.S.S.R. The ~~second~~ ^{THIRD} factor was responsible for the convening of Constituent Assembly in Bangla Desh. In Austria, Hungry, Czechoslovakia and India the ^{SECOND} THIRD factor was responsible for setting up their Constituent Assemblies. And the ~~fourth~~ FOURTH factor led to the Convening of Constituent Assembly in United States of America. It was the arrival of political

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1. Encyclopaedia of Social Sciences Volumes 3-4 p 244
 2. Dunning William Archibald "History of Political Theories" From Rousseau to Spencer Central Book Depot Allahabad 1967 p 103.
 3. Jennings, Sir Ivor: "The Law and the Constitution" Fifth Edition University of London Press Ltd. Warwick Square, London E.C. 4 P. 7

The factors responsible for the setting up of the
Constituent Assembly in J&K state were as under:-

1) A mighty national freedom movement in Kashmir, with its own heritage and its own vision of the future,¹ ranging over two decades ;

2) A desire of the people to break the old shell of an archaic and mediaeval economic and political set up² and to have a constitution worthy of the tradition of their freedom struggle and in accordance with the principles of New Kashmir ;

3) Pak aggression in 1947, the indecision and unrealistic procedure adopted by the U.N.O which condemned the people of the state to ~~a~~³ life of agonizing uncertainty and its ultimate failure to redress~~s~~⁴ the wrongs of the aggression⁵,

4) The commitment of the Govt; of India to give an opportunity to the people of the state to decide for themselves the nature of their own constitution , ~~and~~ thus granting special status to Kashmir under article 370 of the Indian Constitution.⁶

5) The stand of the all J&K National Conference that in the determination of the future of the state, the only and the supreme factor would be the sovereign will of the people expressed freely and democratically.⁵

6) To put an end^{to}⁶ the perpetuation of the conditions of doubts and frustrations along with indeterminate state of drift and indecision.

1. India Quarterly - Vol .VII, No. 2 April-June 1951.PP.143
2. Dhar, P.N;The Kashmir Problem-Political and Economic Background Indian Council of World Affairs 8A,Kashi House,Connought Place New Delhi 1951 (Introductory note)
3. For details reffer;- i) C.A for J&K op.cite.
ii) Hamdani, Ghulam Mohiud-din ; Our Constituent Assembly. Mujuhid Manzil Sept.1951 Srinagar
4. C.A Deb (India) Vol.X; No.10 PP.427
5. For details reffer;- i) Constituent Assembly for J&K op.cite
ii) Hamdani Ghulam Mohiud-din Our Constituent Assembly op.cite.
6. Ibid

freedom which necessitated the drafting of a new Constitution and the convening of Constituent Assembly in Jammu and Kashmir State.

The idea of having a Constitution-making body for the State of Jammu and Kashmir was first conceived by the All Jammu and Kashmir National Conference. The people had risen against the autocracy of the Maharajah. They were clamouring for Constitutional Government and Rule of Law. The National Conference boycotted the Royal Commission appointed by the Maharajah to look into the people's grievances. It was at the historic Sopore Session of 1944 that the organisation laid down a Socio-Political Plan for rebuilding of the State. This has come down to be known as "NEW KASHMIR" Manifesto⁴ of the people to have a new Kashmir ⁵ build ⁶ to live. ⁷ The Session was presided over by Sheikh Moh'd Abdullah and was also attended by Pt. Jawhar Lal Nehru, Maulana Azad and Badshah Khan. The delegates unanimously adopted New Kashmir as the objective of the Nationalist party. The plan proposed formation of a truly socialistic State in Kashmir. It envisaged a

New Kashmir: Op. cit.

4. NEW KASHMIR with an Introduction by Sheikh Mohd. Abdullah. Published by Mr. K.N. Bamzai, the Director, Kashmir Bureau of Information, 5 Prithvi Raj Road New Delhi. Year unknown. The "New Kashmir" Manifesto was divided into two parts (i) The Constitution of the State and (ii) The National Economic plan. The part dealing with the Constitution of the State was further sub-divided into several sections including (a) Council of ministers (b) the national assembly (c) Citizenship (d) the ruler (e) justice (f) local administration and (g) the national language.

The section dealing with citizenship required that the people of Jammu and Kashmir State should be guaranteed:-

1. Freedom of speech
2. Freedom of the Press
3. Freedom of assembly and meetings
4. Freedom of street processions and demonstrations.

The Manifesto declared that freedom of conscience and ~~democracy~~ of worship shall be guaranteed for all citizens". It further laid down that "no citizens may be arrested or detained except by decision of a Court of Law". All citizens would have the right to rest. All students were to have a right to receive education and scholarships were to be given to the deserving poor students. Women Citizens should be accorded equal rights with men in all fields of national life and the law should give special protection to the interests of mother and child.

The manifesto also required that the highest legislature

Constitutional Government and for that the National Conference demanded a Constituent Assembly to formulate the Constitution of the State. The manifesto was submitted to His Highness the Maharaja of Kashmir for consideration. The leaders made it clear to His Highness, that, that was the only plan acceptable to the people of the State and the struggle for freedom in Kashmir thus continued.

On the national scene in May 1946, with the failure of the Indian National Congress and the All India Muslim League to reach agreement upon the fundamental issue of unity or division, the British Government presented what is known as the Cabinet Mission plan. According to ^{the} plan the paramountcy was to lapse and the Princes of States would become free to decide about joining of any ^{two} ~~two~~ Dominions — India and Pakistan — or to remain independent. The plan was ultimately accepted by both the leaders of Congress and League.

of the State, the National Assembly, should be elected by citizens of the State by electoral districts on the basis of ~~one~~ one deputy per 40,000 persons, for a period of five years. The Council of Ministers of the State should be responsible to the National Assembly. Section 27 of the manifesto required the position of the Ruler to be reduced to that of ~~the~~ constitutional head.

The National Economic plan was sub-divided into (i) production (ii) transport (iii) distribution (iv) Utility services and (v) currency and finance. The object of this plan was to provide a reasonable standard of living for all people in the State.

5. Kaul, P.N. and Dhar, K.L.: "Kashmir Speaks" ^{Op. cit.}
✓ S. Chand and Co. New Delhi 1950 p. 5.
6. Bazaz, P.N.: "The History of Struggle for Freedom in Kashmir" ^{Op. cit.}
Panposh publication New Delhi 1954 P. 27.
7. Prof. Balraj Madhok in his book "Kashmir Centre of New Alignments" (Deapak Prakashan New Delhi 1963 p. 4) said "the New Kashmir Manifesto which was adopted by the National Conference as a statement of its political and Economic goals in 1945, is known to have been master-minded by leading Communists like B.P.L. Bedi and Dhyanwantri who later became the Centre of Communist activities in Jammu under the aegis of the National Conference." ^{Op. cit.}
8. "Vital speeches and Documents of the Day". Special Issue. Kashmir. Dec. 15 1963 New Delhi-5. P. 825.

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Dr. Syama Prasad Mookerji's statement on Kashmir
dated 12.4.1952

The future of Kashmir has been deeply agitating the minds of all sections of Indians irrespective of party affiliation for the last four years. While the tangle created by the Security Council has yet to be solved, new developments are slowly coming into the forefront due to the reported plan of the ruling party in Kashmir regarding the terms of final accession to India. Quite apart from legal and constitutional technicalities, specially following the withdrawal of the British from India, Kashmir has all along been an integral part of Indian although its accession to India is now confined only to three subjects, viz., foreign relations, communications and defence. It has been the earnest hope of all well-wishers of the country that Kashmir should be fully integrated to India just as other states have been. From the legal standpoint it was open to more than 600 of the Indian States which became nominally autonomous after the lapse of British Sovereignty in 1947 to get themselves loosely attached to India in respect of these three subjects alone. In fact, this device of loose association was not the result of the deliberate will of the people of India, but was a part of the British scheme for the emergence of a loosely knit India which was not to remain under the control of a strong and representative Central Government. Even this loose association was not acceptable to Mr. Jinnah and ultimately the country had to be divided to satisfy the intransigence of the Moslem League. While the partition resulted in unprecedented havoc and misery, it also led to the disappearance of the loose structure of Indian Union as contemplated by the British authorities. All the States realised that their safety and welfare were intimately mixed up with the fate of India as a whole and barring Hyderabad they all voluntarily came to form indissoluble part of the Indian Constitution. Hyderabad resisted and raised the standard of revolt and ultimately this was solved in a manner which was consistent with the safety and welfare of India as a whole.

Kashmir naturally stood apart from the rest of the Indian States due to the clash between India and Pakistan and the intervention of the Security Council. The stand taken by the Government of India has been that the question of accession is to be finally decided by the people of Kashmir themselves. The Constituent Assembly of Kashmir has not yet finally decided this question but the trend of recent events markedly indicates that the present ruling party is not in favour of full accession. We are aware that there is a strong volume of opinion within Kashmir territory which is against such a decision but that may not be effectively demonstrated inside the Assembly constituted as it is. This is a party question at all. If there are sections of people who honestly believe that full accession to India can alone save and consolidate Kashmir, they should be allowed unfettered right to express their opinion. This is a matter which also vitally concerns India and the people of India must be alert and raise their voice before it is too late.

Shaikh Abdulla's speech as reported this morning is a staggering disclosure of the inner working of his mind. He has declared that he is not in favour of full integration because the Moslems of Kashmir are nervous about communalism in India. This is a strange and sinister statement calculated

self
not

to strengthen the hands of Pakistan. And to suggest that the lives of Kashmiri Muslims depend on one man - Mr. Nehru - reveals not only lack of responsibility but distrust of a whole nation. The Indian Constitution is free from all sectarian bias and it guarantees full and equal treatment to all classes of the Indian people. There is no responsible section of the people of India today who believe that the destiny of their mother-land could ever lie in the path of narrowness or communalism. Indeed Pakistan was created because of fanatical communal agitation. Those who talk loudly against communalism. In India today were the very persons who surrendered to the worst type of communalism, leading not only to the vivisection of India but also to untold misery and suffering of millions of people, Hindu and Moslem. India's salvation lies in maintaining her integrity and developing a common idea of Indian nationhood, embracing all her inhabitants irrespective of caste, creed or religion. Sheikh Abdullah offers accession with his left hand, while having secession up his sleeve. He evidently envisages Kashmir as a buffer State between India and Pakistan. The fates of buffer States, not enjoying special geographical advantages has never been a happy one. The lessons of Belgium in Western Europe and of Poland in the East should have given sufficient warning to Sheikh Sahib. Does Shaikh Abdullah regard himself as a Kashmiri first or a Moslem first and then an Indian? Does he call himself an Indian at all? If the answer is in the negative, then he can well think of an autonomous Kashmir loosely connected with India. But he forgets that his recent speech in which he has emphasised the Moslem point of view and Moslem fears has strange similarity to the utterances made by Mr. Jinnah leading to India's partition. If Kashmir can claim a separate existence, why cannot other Indian States make similar demands laying stress on their own provincial bias and special characteristics? Pushed to its logical conclusion Sheik Abdullah's stand follows the lines of the creators of Pakistan and may ultimately lead to Balkanisation of India. Has India spent 200 crores of rupees on Kashmir or have her valiant soldiers shed their life blood for creating a free and autonomous Kashmir only loosely attached with India? For the sake of Kashmir's present and future existences, for her security, for her development and progress, and for enabling India to stand proudly as a true republic, Kashmir must form an integral part of the Republic of India. We swim or sink together. Unity and not separatism should be our watchword. If, however, the people of Kashmir under Sheikh Sahib's leadership feel that they should be cut off from India specially on the ground that the majority population being Moslems, they are unwilling to merge completely with India, then virtually Pakistani ideology triumphs and Sheikh Sahib's past role becomes a mockery. In such an event the future of the people of Jammu and Ladakh whose leaders have already expressed their deep anxiety to merge fully with India will have to be determined in a manner truly representing their wishes undominated by Sheikh Sahib's authority. That will inevitably lead to partition of Kashmir for which Sheikh Abdullah will be primarily responsible. I earnestly appeal to **Sheikh Abdullah** and his co-workers who have fought along with India for the maintenance of unity and freedom of Kashmir not to precipitate a crisis but to look at the problem from a wider national perspective. Sheikh Abdullah has stated that through a process of love it may one day even be possible to re-unite India and Pakistan. I entirely reciprocate this sentiment. The achievement of this goal will be easier if we can build up a homogeneous India, including Kashmir, under one flag and one pattern of true democracy where no distinction will be made between man and man on ground of caste or religion and where the peculiar characteristics of the various units within the Indian Union will be duly respected. Unity amidst diversity has been the striking feature of Indian civilisation and Sheikh Abdullah's present move will strike at the root of our country's greatness and progress. In the idea of Indian civilisation, in its grandeur of arts and spirit, in its centuries, old tradition of tolerance lies not only

an ideal for transcending the achievement of each individual state, but also a guarantee for all, including Kashmiri Muslims.

Not Kashmir alone but India also is vitally interested in this problem. I appeal to all sections of people to express their opinion freely on this momentous issue so that the sacrifice made during the last four years may not go in vain and we may be saved from facing disastrous consequences once again, similar to what we witnessed after the tragic partition of our Motherland in 1947.

Statement of Dr. Syama Prasad Mookerji, President Bharatiya Jana Sangh, on the eve of his departure for Punjab and Jammu, on 8th May, 1953.

.....

The Satyagraha movement has been continuing in Jammu for nearly six months leading to the arrest of about 2500 persons and to the killing of more than 30 Satyagrahis by police firing. In Delhi and Punjab, the movement has been going on for more than two months and has led to the arrest of more than 1700 Satyagrahis in these two and other adjoining States. Inspite of all provocations and various types of repression and terrorisations, reminiscent of British regime, the movement has remained non-violent and free from any communal bias. Our movement was started in support of the demands made by the Praja Parishad which we consider to be fully consistent with national welfare and unity. They are basically political, constitutional and economic and should be capable of fair adjustment through peaceful negotiations. Both Mr. Nehru and Sh. Abdullah however have thought otherwise and have carried on ceaseless propaganda based on false charges and casting all sorts of aspersions against their political opponents, specially those brave and patriotic brothers and sisters in Jammu struggling for their fundamental rights. They have also proceeded on the wrong basis unmindful of their own past experiences that movements which had at their back a large measure of popular support could be crushed by Governmental force or repression. Their only cloak to hide their own follies and failures in administration is to charge their critics with communalism of which they have been the worst offenders themselves. By this how long do they expect to fool the people or evade the real issues?

Although the movement has remained confined to Delhi and some parts of Punjab, yet a large number of satyagrahis are pouring into the capital of India from various parts of the country giving the movement an all-India character. They are bringing with them the support and blessings of large sections of people living in the areas concerned. In Jammu inspite of the iron curtain people have not succumbed to fear and are ready to face the wrath and fury of the authorities whose repressive measures continue unabated.

If the July agreement reached between Mr. Nehru and Sh. Abdullah had been properly amplified and implemented in full, perhaps there would have been no movement at all. We hear today no mention of the Agreement. According to uncontradicted press reports, now schemes are being propounded, including among others the fantastic idea of dividing the State of Jammu and Kashmir into a number of small States and treating the State as an Autonomous Federation. And these were the people who charged us with the so-called evil design of partitioning the State into separate provinces. It passes one's comprehension how there could be a Federation within

a federation which India undoubtedly is. Perhaps to suit Sh. Abdullah, the constitution of India has to be amended and a confederation created. Further Jammu and Kashmir is a comparatively small State, both in respect of revenue and population. There are cities in India even larger than this state is in population. The burden of an over-heavy administration would be ruinous both economically and administratively. Sh. Abdullah has learnt the easy habit of dubbing his critics as communal and narrow-minded and himself poses as the highest embodiment of secularism. The demand of the people of Jammu, who constitute a small minority in the entire State to have it fully integrated with India cannot obviously lead to any communal domination of Hindus over non-Hindus. If the entire State becomes a part of India, as other States are and is governed according to Indian Constitution with such modifications as may be essential for the State of Jammu and Kashmir, obviously the State will not be at the mercy of the Hindu Majority of India as a whole. This, Sh. Abdullah has declared, is our real objective and he says he will resist this communal demand. This is a strange attitude. Whatever powers the Parliament of India exercises, are not according to the whims and caprices of the Hindu community as such, but strictly in accordance with the provisions of the Constitution of India in the preparation of which Sh. Abdullah and his friends played a prominent part. If he refuses to integrate with India merely because Hindus are in a majority he simply becomes a torch-bearer of Mr. Jinnah, the founder of Pakistan. Who then I ask, are communal or guided by narrow and separatist tendencies? They are not the people of Jammu, who, as Indians, are urging the constitutional acceptance of Indian Unity and nationhood, embracing Jammu & Kashmir? They are Sheikh Abdullah and his party, backed by our Prime Minister, who are out to satisfy their megalomania by earning out for themselves a semi-independent ^{territory} at the cost of Indian blood and money.

During the last few weeks I have visited many parts of India and I have tried to place our view points before our country. I have found that slowly and steadily even those who did not fully support our movement are realising the grave implications of the mistaken policy of Mr. Nehru towards Jammu and Kashmir. From that point of view our movement has been successful. It has aroused widespread public support in favour of the basic objectives of the movement. Whether our Government or Sh. Abdullah, who are corrupted by power, will yield to this pressure and take steps for a peaceful and honourable settlement depends on their statesmanship and realism. I am proceeding to Punjab which has played her part so well during the last three months. Although it will not be possible for me to address public meetings where Section 144 operates, I hope to meet friends and workers and other representatives so as to appreciate the situation prevailing in that state. After spending two days in Punjab I intend to proceed to Jammu. I have been receiving reports of repressions of a most alarming character in that State. During the last three months we had repeatedly attempted to send some impartial observers to Jammu but they were not allowed to enter that State. Mr. Nehru has repeatedly declared that the accession of the State of Jammu and Kashmir to India has been hundred percent complete. Yet it is strange to find that one cannot enter the State without a previous permit from the Government of India. This permit is even granted to communists who are playing their usual role in Jammu and Kashmir, but entry is barred to those who think or act in terms of Indian unity and nationhood. I do not think Government of India is entitled to prevent entry into any part of the Indian Union which according to Mr. Nehru himself, includes Jammu and Kashmir. Of course if any one violates the law, after entering any State, he will have to face the consequences.

My object in going to Jammu is solely to acquaint myself with what exactly had happened there and the present state of affairs. I would also come into contact with available local leaders representing various interests, outside the Praja Parishad. It will be my endeavour to ascertain what the intention of the people of Jammu is and to find out if at all there is any possibility of the movement being brought to a peaceful and honourable end, which will be fair and just not only to the people of the State but also to the whole of India. I confidently hope I shall receive the full-cooperation and sympathy of all concerned when I proceed to discharge this difficult responsibility. If I am allowed to enter the State, I for my sake do not rule out the possibility of even meeting Sh. Abdullah and have a personal discussion with him. Let not any one, however high his official pedestal may be, confuse personal prestige with the prestige of the Nation and let all act in such a manner which may not undermine the cause of national solidarity, peace and progress.

I want to take time to decide to which State I should accede, whether it is not in the best interests of the principality to stand independent, of course with friendly relations both. (The Hindustan Times, 15th Oct. 1947)

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- 4 -

On 15th August 1947, India and Pakistan emerged as two Independent Dominions. Like some of other princes, the Maharajah of Kashmir being carried away by sentimentalism rather than realism and supported by his advisers and even some of the leaders of the politically conscious groups in the State also fondled with the idea of Independence. An independent Kashmir like Switzerland was within their imagination. Sir R.C. Kak, the then Prime Minister of the State, also wanted to keep India at arms length and thereby to maintain the separate entity of Jammu and Kashmir as an Independent state in this sub-continent.

9. Anand, Adarsh Sein: "The Development of the Constitution of Jammu and Kashmir". (Thesis) presented for Degree of. op. cit. Doctor of Philosophy in the Faculty of Laws of the University of London 1963 (unpublished) p.90
10. Tewari, Uma Kant: the making of the Indian Constitution Central Book Depot; Allahabad 1969 p.15. Mentioned that mission consisted of Lord Pethick Lawrence, Sir Stafford Cripps and Mr. A.V. Alexander.
11. i) A publication of Ministry of Information and Broadcasting J&K Government, "India and Kashmir" — Constitutional aspect. ~~year unknown~~ p.1 - 2 mentioned:-
"that paramountcy could neither be retained by the Crown nor transferred to the Government.....right surrendered by the States to the paramount would revert to the States... the void thus created would have to be filled up by co-operation between States and the Government — this need not be identical for all the states".
- ii) Sheikh Abdullah in his opening address to Jammu and Kashmir Constituent Assembly Srinagar Nov., 5, p.7 pointed out that the National Conference in its historical memorandum to Cabinet Mission declared:-
"Today the National demand of the people of Kashmir is not merely the demand of responsible Government but their right to absolute freedom from the autocratic rule".
12. i) Philips, C.H. and Wain Wright, Mary Doreen in ~~wants~~ their book "the partition of India ~~xi~~ policies and perspectives 1935-1947. George Allen and Unwin Ltd 1970 p.220 pointed out that Congress leaders were extremely critical of the declaration made by the British government that Paramountcy ~~will~~ lapse on August 15, 1947 and the ruler of Indian of Indian States were to become technically and legally independent, because they felt that it posed a grave threat to the stability and the integrity of India they insisted that the princes must make up their mind to accede to India or Pakistan taking into account their geographical situation before August 15, 1947. Mr. Jinnah on the other hand, insisted that the rulers had absolute freedom of decision.

Thus having failed to decide the Maharaja offered stand still agreements to both the Dominions on 15th August 1947. Pakistan agreed ^{to} it hurriedly where as Government of India wanted concurrence of the people of the State. Pt. Nehru was of the opinion ~~of the~~ establishing the popular authority in the State first and then setting up the Constituent Assembly to decide its future. Thus the idea of convening a Constituent Assembly for Jammu and Kashmir which was conceived before the partition of India was contemplated and would have been implemented but for the invasion of the State after the partition of India, by the tribesmen from Pakistan territory. Sheikh M^{ohd} Abdullah moved a resolution during the National Conference Convention held in 1948.

ii) A publication of Ministry of Publication and Broadcasting Jammu and Kashmir government year unknown ^{op.cit. P.1-2}
 "India and Kashmir — Constitutional Aspect" pointed out that Lord Mountbatten, the Viceroy advised ~~not~~ that the princes on the 25th July, to link their future with either of the two Dominions they liked subject to certain geographical compulsions.

- JL-A Maharajah & Mountbatten. Letter dated 26th October 1947.*
- 13. Mahajan, Mehr Chand: "Kashmir Problem in its true perspective". Hindustan Standard June 3, 1957 New Delhi p.6.
 - 14. Setalvad, M.C. "My life, Law and other thing". N.M. Tripathi publishing Book Bombay , 1970 P.30.
 - 15. ^{2u} Zutshi, J.N.: "Kashmir Journey to Freedom". Published by J.N. Zutshi for the Jammu and Kashmir National Conference p.8. ^{op.cit. P.8}
 - 16. Prime Minister Pt. J.L. Nehru's speech on Kashmir in the Council of States. Press Information Bureau Government of India New Delhi August 1952 P.7.
 - 17. Mahajan, Mehr Chand: Looking Back. Asian publishing House Bombay Calcutta New Delhi 1963 P.155. ^{op.cit. P.155}
 - 18. All Jammu and Kashmir National Conference 21st Annual Session Political Resolutions published by Abdul Rashid General Secretary All Jammu and Kashmir National Conference (Camp) Jammu. Year unknown. P.4.

* The need of setting up of the Constituent Assembly was again stressed by Pt. Nehru and was one of the major conditions on which Maharajah's request for accession of the State to India was accepted and military help despatched.

" The Convention feels very strongly the urgency of Convening a Constituent Assembly on the basis of adult franchise for framing a democratic Constitution for the State and for giving a concrete shape to the aspirations of the people "

the General Council of the All J&K National Conference, as early as 1948, urged the State Government to convene a Constituent Assembly intended to shape the future destiny of the country and to implement the cherished objectives of NEW Kashmir. After accepting the desire of the people of the State for setting up of Democratic Constitution His Highness the Maharaja Jammu and Kashmir issued a proclamation on 5th March 1948(i.e. about five months after the accession) which mentioned the replacement of Emergency Government by popular Interim Government headed by Sheikh Mhd Abdullah. The proclamation further laid down to convene a National Assembly (the Constituent Assembly) based upon adult suffrage and proportionately representing all the sections of the population and the areas of the State as soon as the normal conditions in the State were restored. On the same day, ¹⁹ ~~March 1948~~ ²⁰ a regular ~~Interim~~ ²¹ National Interim Government was formed. It pledged to set up an Assembly on the basis of general adult suffrage which would draw up the Constitution for the people of ~~Kashmir~~ Kashmir.

19. Proclamation of Shreeman Inder Mohinder Raj Rajeshwar Maharaja Adhiraj Shri Hari Singh Ruler of Jammu and Kashmir and dependencies. Jammu March 5, 1948.

20. i) Jammu and Kashmir Government Gazette¹⁹⁴⁸ March 1948.
ii) Gupta, Jyoti Bhushan Dass: "Jammu and Kashmir" Martinus Nijhoff/ The Hague 1968. P.188 . The Government ~~was~~ constituted of the following:-

- | | |
|------------------------|--|
| 1) Sheikh Mhd Abdullah | - Prime Minister |
| 2) Bakshi Ghulam Mhd | - Deputy Prime Minister |
| 3) Mirza Afzal Beg | - Revenue |
| 4) Sardar Budh Singh | - Health & Rehabilitation |
| 5) G.M. Sadiq | - Development |
| 6) Sham Lal Saraf | - Civil Supplies and Local Self Government |
| 7) G.L. Dogra | - Finance |
| 8) Pir Mohammed Khan | - Education |

~~Sheikh Mhd Abdullah~~
21. ~~Abdullah~~ ^{sheikh Mhd.} Jammu and Kashmir 1947-1950 printed by Ranbir Government Press Jammu and published by B.P. Sharma Principal Information Officer, J&K Govt. year unknown
~~Nangji Deshmukh Library, BJP, Jammu. Digitized by eGangotri~~

The need of convening the Constituent Assembly to draft a separate constitution for the people of Jammu and Kashmir State had been the settled policy of Government of India and the same stand was stressed by Pt. Nehru in his letter of 18th May 1949 addressed to Prime Minister of Jammu and Kashmir State.²² The right of Kashmir State to draft its own Constitution was fully recognised even by Sardar Patel. Shri N. Gopalaswami Ayyanger while moving the Art. 306 A (which later became art 370 of Indian Constitution) and mentioning the reasons for giving ~~special~~²³ treatment to Kashmir State, in reply to the question of ~~pp~~ Maulana ~~Kaz~~ Hasrat Mohani in Indian Constituent Assembly (represented by four nominees of the Jammu and Kashmir State) on 17th October 1949,²⁴ pointed out that the will of the people of Kashmir through the instrument of Constituent Assembly would determine the Constitution of the State and Union Jurisdiction over it. In an interview with the correspondence of the American Magazine "LOOK" in September 1950, Sheikh Mhd Abdullah ^{main} one the ~~architects~~ of the Constituent Assembly said:-

"In case the Security Council finds itself incapable of arriving at a decision in the near future, it is up to the people of the State to find ways and means of asserting their will so as to put an end to the agony and uncertainty of the present situation. They will in that case convene a Constituent Assembly which would determine their stand"²⁵

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- P III
22. "India and Kashmir Constitutional Aspect". Ministry of Information and Broadcasting Jammu & Kashmir Government. Year unknown. P. 3. op cit. P. 3
23. Ibid. P. 3.
24. Constituent Assembly of India Dep. Vol. X dated 17th October 1949. P. 244.
25. Goni, Abdul Gani: Sheikh Mhd Abdullah — an assessment. New Kashmir Press Srinagar. Year Unknown. P. 10.

④ Addressing ~~Muslim~~^{Muslim} audience at Hazaratbal mosque on June 21
Sheikh Abdullah, the Kashmir premier retracted the
earlier pronouncements of the All J & K N. Conference.....
He declared that the Kashmir Constituent Assembly,
which would be convened shortly, would have
full and complete power to decide on any
matter affecting the future of the state.

(22) The Hindu Madrasas 27-6-49) ~~on May~~

⑤ On 27th May 1949, The Indian Constituent Assembly
passed the momentous resolution to the effect that
J & K State would henceforth be represented in the
Assembly ^(i.e. four members). This ~~gave~~ ^{caused} great ^{to} satisfaction among
the general public throughout the state. (The Hindu)
Madras 29-5-49) Agha Shaukat Ali, General
Secretary All J & K Muslim conference at Rawalpindi on
May 28. criticised such a move and declared it a
clear challenge ~~to~~ the United Nations. He further
pointed out that it was Pt. Nehru's move
to bypass UNCIP which showed he regarded the
Indian Premier had for the principle of
international morality & for the ^{objectives} ~~objectives~~
India ^{wanted} to the U.N.O. (The Pakistan Times
31-5-49). Sir Zafar Mohd Ibrahim Khan, president of
the Azad Kashmir Govt. demanded that four representatives
of the Azad Kashmir should also be taken ^{into}
the C.A of Pakistan. (The Pakistan Times 31-5-49)



R.D.

The All Jammu and Kashmir National Conference met in a Session
 26
 on the 27th October at Srinagar and examined the report submitted by Sir Own Dixon (a judge of the High Court of Australia) who was nominated as a mediator by Security Council on Kashmir issue. The Council was of opinion that the report was against the very objective on which the people of Jammu and Kashmir State ~~placed~~^{reposed} their faith and observed that the U.N.O. has failed to find a solution of Kashmir Issue. Speaking on the behaviour of U.N.O. N.C Chatterjee M.P. pointed out:-

"the way the U.N.O. is behaving reminds us of the exploits of the Holy Alliance. It seems that the race of Bismarck, Castlereagh and Diraeli has not yet gone. Only they have changed colour and, possibly,
 27
 their names".

Thus in order to end the State of uncertainty, wait and see, frustration and agony and fully recognising their right of self-determination, the General Council issued a mandate to the Supreme National Executive for the convocation of Constituent Assembly based upon adult suffrage and embracing all sections of the people and all the constituents of the State for the purpose of determining the future shape and affiliation of the State of Jammu and Kashmir. There was a mixed reaction to this resolution of the Council. The reaction of various leaders, Press and Countries was as:-

-
26. Constituent Assembly for Jammu and Kashmir- Resolution adopted by the General Council of the All Jammu and Kashmir National Conference on the 27th October, 1950. Published by B.P. Sharma, Principal Information Officer Jammu and Kashmir Government. Year unknown. P.I.
 27. Speech of Shri N.C.Chatterjee. M.P. In the House of the people on the President's address on the 20th May 1952. Published by All India Hindu Maha Sabha Reading Room, New Delhi-2, Year unknown. P.3.
 28. Constituent Assembly for Jammu and Kashmir- Resolution adopted by the General Council of the All Jammu and Kashmir National Conference on the 27th October, 1950. Published by B.P. Sharma, Principal Information Officer Jammu and Kashmir Government. Year unknown. P.5. ~~ed. P.5~~

Resolution's O.P. ed. P.5

The Jammu And Kashmir National Conference, the National Congress Mr. J.P.Narayan³ and the state press. The Daily Khidmat (an official organ of National Conference) and ~~xxxxx~~^A The S~~u~~^{ch} of Jammu (a pro National Conference weekly) wellcomed the resolution.

Whereas the All Jammu And Kashmir Praja Parishad⁵, Jammu and Kashmir Sahayak Sabha⁶; Pakistan Press, leaders and Govt; the so called Azad Kashmir Govt⁷, and leaders, and the Western countries criticised and condemned such a move.

Those who welcomed the resolution realised ~~that~~ the failure of the U.N.O to find out a solution of Kashmir problem. They were also conscious that the people~~s~~ of Kashmir could not stop all their activities and adopt an unhelpful attitude~~s~~ of wait and see. In order to put^{out} an end to the agonising, uncertainty suspense, doubts, frustration^{at} and to exercise their right of self determination, they welcomed the council's resolution for the convening^{of} the constituent assembly.⁹

1. i) Goni. Abdul Gani; Sheikh Mohamed Abdullah - An Assessment op.cit. p1
New Kashmir Press Srinagar Year not mentioned
- ii) The All J&K National Conference 21st Annual session pp.1
A political Resolution Issued by Abdul Rasheed Gen. Secretary
All J&K National Conference (Camp) Jammu year not mentioned op.cit. p10
2. i) Amrita Bazar Patrika. Calcutta 31st October 1950,
ii) Assembly for Jammu and Kashmir - resolution adopted by General Council of the all J&K National Conference on 27th October 1950. op.cite.
3. The Hindustan Times 24th November 1950.
4. Constituent Assembly for Kashmir - state press hails the decision-Kashmir Bureau of Information file C-4 (Part-1) October 1950 - August 1951. Reference research unit Srinagar
5. A pamphlet issued by Durga Das Verma Secretary all Jammu And Kashmir Praja Parishad on 12th March 1951. P.P files Jana Sangh office head office Jammu.
6. The Hindustan Times New Delhi December 18, 1950
7. i) Dawn Karachi, wednesday November 1st 1950
iii) The Hindustan Standard December 28, 1950
8. i) Dawn Karachi November 4, 1950 pp.10
ii) Dawn Karachi January 22, 1951
9. For details refer:-
 - 1) All J&K National conference 21st Annual session political resolution op.cite
 - ii) Constituent Assembly for Jammu & Kashmir Op.cite
 - iii) Amrit Bazar Patrika. Calcutta 31st October 1950
 - iv) The Hindustan Times Delhi 24th November 1950
 - v). Sheikh Badiq correspondance (August to October 1956)
Mridula Sarabhai 81/48 Chanakya Puri New Delhi year not mentioned pp.6
 - vi) Hamdani, Ghulam Mahi-ud-din ; Our Constituent Assembly Mujahid Manzil Srinagar sept 1951 pp.9
 - vii) Mir, Ghulam Mohammad and Koul, Monhar Nath "Genspiracy IN Kashmir" - a brief review social political study group Amarakadal Kadal Srinagar Kashmir year not mentioned op.8

The All Jammu and Kashmir Praja Parishad and the

All Jammu And Kashmir Sahayak Sabha Opposed the setting up
 a separate Constituent Assembly for Kashmir to decide its ^{had}
 future when all the political parties of the state already
 given ^a unanimous verdict for accession to India. They
 favoured the full integration of the State with India and the
 application of Indian constitution to Kashmir ^{it} in its
 entirety. They regarded ^{it} as another move for an "independent ~~Kashmir~~
 10
 Kashmir".

Pakistan Press, leaders and Govt; criticised and condemned the resolution, because they regarded it as Nehru-Abdullah ~~X~~ plot to deprive the people of Kashmir ^{of} their right of self determination. The so called Azad Kashmir leaders questioned the validity of the convening of Constituent Assembly when ~~one and a half of the state area~~, being out of India's control, and thus not having any representative in the Constituent Assembly. They, thus regarded such a move as an endorsement of the forcible, illegal and immoral India's occupation of Kashmir ^{by India} by means of deliberate fraud.

- ✓ In view of the strategic nature of the area, bordering ^{on} as it does five independent states including two Communist countries ~~Soviet Union and the Peoples Republic of China~~, the Western powers not only interested in establishing their political and military dominance over Kashmir ~~for sowing animosity between India and Pakistan, but also to make it~~

10. For details refer:-

- i) The Hindustan Times, New Delhi Dec. 18, 1950
 ii) A pamphlet issued by Durga Dass Verma op. at general secretary The All J&K P.P. on 10th March, 1951. P.P. files Jana Sangh head office, Jammu.

11. i) Dawn Karachi Nov. 1st. 1950.

ii) Hindustan Times Calcutta Dec. 28, 1950.

12. i) Dawn Karachi Nov. 4, 1950 pp. 10

ii) Dawn Karachi January 22, 1951.

13. Puri, Balraj: Communists in Kashmir Institute of political & Social studies 211, Park street Calcutta - 17. 1961 PP. 3

12
wield

a direct stronghold from where its rulers could exercise

a direct whip-hand over India and Pakistan.¹⁴

The Anglo-American Block especially, knowing Kashmir as prominent in the strategic and military plans of imperialism imperialism, ~~they~~ sought to capture it for using as a base against the Soviet Union and China and against the people of Pakistan and India, severely criticised the convening of the c.a. They were of view that such a move would prejudice the issue before the Security Council and would further complicate the unsettled problem of Kashmir.

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14. Kumar, Vijay ; Anglo-American Plot Against Kashmir
People's Publishing House Ltd. Bombay 4
March 1954 , pp. 6

15. Ibid pp. 209.

16. Rao, H.S. Gururaja; Legal Aspects of the Kashmir Problem
Asin Publishing House. New Delhi 1967
pp. 81.

10. the Pakistani Press and leaders criticised and condemned the resolution. The Daily Dawn termed it as Nehru Sheikh Abdullah's plot to deprive the people of Kashmir of their right ³⁹ and of self-determination.
11. Sardar Mohammad Ibrahim Khan former President of Azad Kashmir Government in a press statement at Rawalpindi termed resolution as the ~~Max~~ dictation of Government of Bharat and questioned the validity of the convening of Constituent Assembly when one and half million Kashmiris and almost half of the State's area was out of India's control and thus not having any representative in the Constituent ⁴⁰ Assembly.
12. Prime Minister of Pakistan called this assembly farce and bogus. ⁴¹
13. A three days convention of the leaders and workers of Kashmir Liberation Movement was held at Rawalpindi on 20th January 1951 where a resolution was passed which condemned such a move and regarded it as an endorsement of the forcible, illegal and immoral Indian occupation of Kashmir by means of deliberate fraud. ⁴²

Meanwhile Yuvraj Karan Singh, the Regent of Jammu and Kashmir State and the son of His Highness Hari Singh issued a proclamation for the convening of the Constituent ⁴³ Assembly on 30th April 1951.

X 39. Dawn Karachi Wednesday November 1st, 1950.

X 40. Dawn Karachi November 4, 1950. P.10.

X 41. Hindustan Standard, Calcutta December 28, 1950.

X 42. Dawn Karachi January 22, 1951.

43. i) Jammu & Kashmir Government Gazette Extraordinary dated 1st May 1951. Karan Singh's proclamation. J&K Govt. Archives Department, Record Office Library, Old Secretariat Jammu.

ii) The Hindustan Times, New Delhi May 7, 1951.

The Jammu and Kashmir Labour Union in its Third Annual Convention passed a Resolution on May 2, 1951 welcoming the proclamation of Karan Singh for setting up of Constituent Assembly.

But Mr. Zafrullah Khan in a letter to Security Council strongly protested against Karan Singh's proclamation fearing that the same would create an explosive situation and prejudice further negotiations in Kashmir dispute. The delegates of U.K. and U.S.A. severely criticised India for having sanctioned the convening of a Constituent Assembly to prejudice the issue before the Security Council, when Security Council met to consider the letter.

letter Sir B.N. Rau, in reply to the complaint lodged by Pakistan in Security Council and speaking on Anglo-American resolution of February 21, 1951 explained the legal position regarding the convening of the Constituent Assembly. He pointed out that the State of Jammu and Kashmir being a unit of Indian Federation, which acceded to India in respect of three subjects was completely entitled to frame its own Constitution and thus to convene a Constituent Assembly of the State. This was further confirmed by Sheikh Mhd. Abdullah while addressing the ^{the} ICC Session held in July 1951.

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P 117

44. The Hindustan Times New Delhi. May, 3 1951.

45. The Hindustan Times New Delhi. May, 7, 1951.

46. Rao; H.S. Gururaj : Legal Aspects of the Kashmir Problem". Asian Publishing House, New Delhi, 1967. P. 84. op.cit. P. 81

47. Goni: Abdul Gani: Sheikh Mhd Abdullah - an assessment. p. 12 New Kashmir Press - Srinagar. Year unknown. op.cit. P. 12 Critising the Anglo U.S. Resolution introduced in Security Resolution Council Sheik Mhd Abdullah said:

" the attitude which the draft resolution reveals towards the Constituent Assembly comes as a painful reminder of all the dilatory means which have so far delayed subjecting Pakistan to the penalties of an aggressor, who has invaded our ~~own~~ country. On the other hand, the attitude of the promoters of this resolution towards the Constituent Assembly appears as an attempt to stay the Democratic Development of a people who wish to build the framework of their Government in a Democratic manner. Our development as a Democratic people demands convening of Constituent Assembly. It is the highest organ reflecting the people's will. We cannot wait indefinitely and hold up our march forward. We want to get to our people. We want to get their mandate. We want to draw sanction from their wide!

3.2

ELECTIONS OF CONSTITUENT ASSEMBLY

In spite of bitter criticism against the convening of State Constituent Assembly by some political parties and leaders, Pakistan Press and Government as well as different countries in Security Council the State Government proceeded further. There seemed to be no controversy on the size of the Constituent Assembly as was in the case of the size of Indian ⁵⁰ ~~Constituent Assembly~~ ⁵¹. Therefore unlike Praja Sabha hundred ^{Jahich} ~~one~~ ⁵² seats were fixed for the Constituent Assembly ~~and~~ Twenty five ⁵³ ~~one~~ hundred were kept vacant for Pak Occupied Kashmir area. Thus the election was only for 75 seats - 45 seats for Kashmir and Ladakh and 30 seats for Jammu.

48. The Hindustan Times May 3, 1951.

49. Deccan Herald Bangalore July 15, 1951.

50. Tiwary; Umakant in his book "The making of the Indian Constitution (Central Book Depot Allahabad p. 49) pointed out that Sir Maurice Gwyer favoured a small body, whereas Pt. Jawahar Lal Nehru suggested a large body consisting of 300- 400 members. Pt. Nehru added that in a small body the same members would be in the Committees and in the House, and so, there would be no hope of a fresh approach". "A large body necessarily means more ideas thrown into the Common pool and extreme views are not likely to ~~be~~ prevail".
B.N. Rau.

51. According to notification issued by Shri Shiv Ram Saraf Secretary to His Highness Government Praja Sabha Department dated 9th September, 1943, Praja Sabha consisted of :-

Official Members	- - - - -	11	XxxxxxXXXX
Elected Members	- - - - -	40	Xxxxxxx23xX H. 17)
XxxxxxxMxxxxxx	- - - - -		M. 23)
Nominated Members	- - - - -	24	H. 13)
			M. 11)
Total :-			75

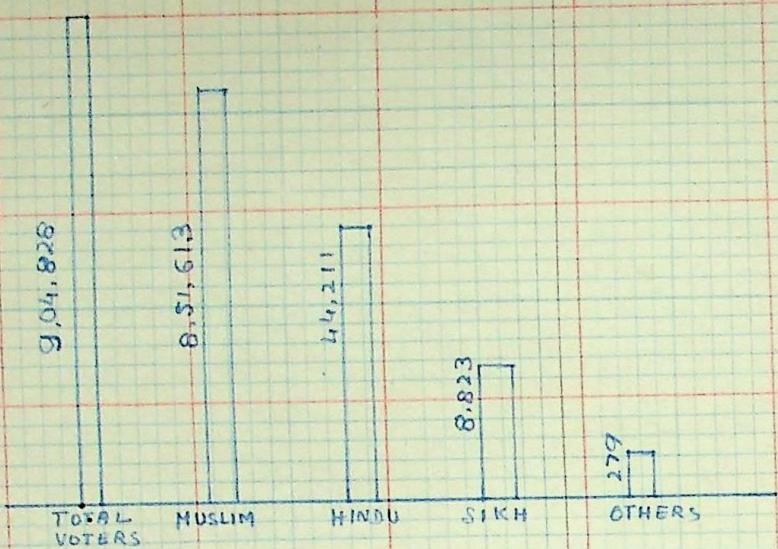
52. Amrita Bazar Patrika, Calcutta. 23rd December, 1950.

53. Gupta, Joyti Bhushan Dass; Jammu and Kashmir. Martinus Nijhoff, The Hague p. 186.

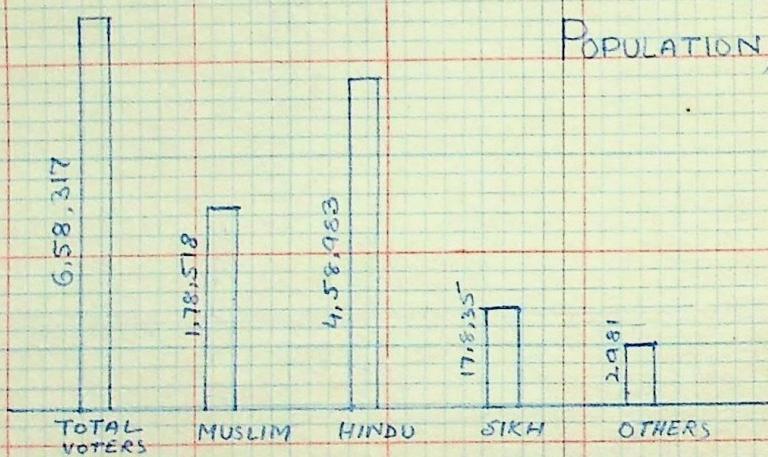
op- cit.

POPULATION, TOTAL NUMBER OF VOTERS & COMMUNITY WISE DISTRIBUTION

POPULATION 16,83,595

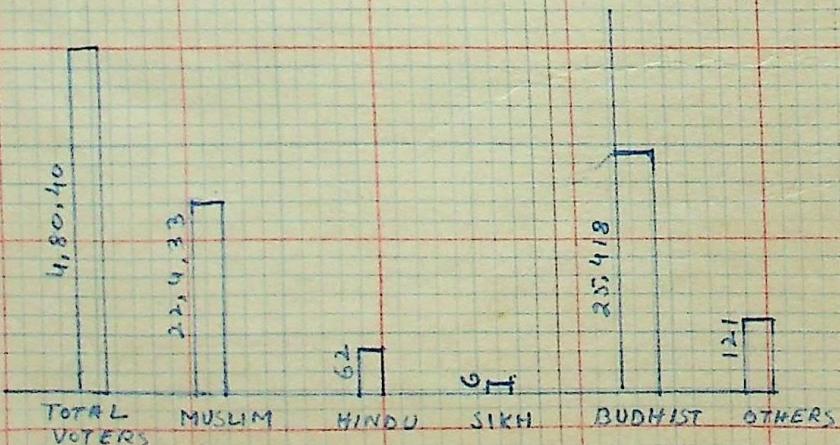


KASHMIR



JAMMU

POPULATION, 80,151



LADAKH & KARGIL

54

The preparation of Provisional electoral rolls began on December 18, 1950 and ~~they~~ were supposed to be ready in March 1951 but were published through ~~out~~ the State on the 4th June 1951. The period for preferring of claims and objections was originally scheduled to expire on the 25th June 1951 but in the interest of the public convenience the same was ultimately extended to 10th July 1951. The following table will give an idea of population and the number of voters and their community-wise distribution:-

(5) Table I.

Name of the Province	Voters					Total No. of voters	Total No. of minors.	Total population.
	Muslims	Hindus	Sikhs	Budhists	Others			
Kashmir	8,51,613	44,211	8,825	-	279	9,04,828	7,78,767	16,83,595
Jammu	1,78,518	458,983	17,835	-	2,981	6,58,317	8,28,912	11,87,229
Ladakh and Kargil	22,433	62	6	25,418	121	48,040	32,111	80,151
TOTAL:-	10,52,464	5,03,256	26,666	25,418	3381	16,01,185	13,39,790	29,50,975

54. File C-4(Pamphlets) Kashmir Consembly (a typed note)
Reference and Research Unit Information Department,
Srinagar. P.2 mentioned.

Srinagar "For the purpose of enrolment of the voters the Patwar ~~Helps~~ ^t ~~Helps~~ were taken as electoral areas. Enumeration was entrusted to teachers from the Education Department of course, aided and guided by the concerned patwaris. Patwar *Srinagar* falling within a tehsil formed the province of an Electoral Registrar, who was generally an officer of the rank of a Tehsildar from the Revenue Department. The Electoral Registrars, were assisted by Naib Tehsildar, Girdawars and officers of the Education Department in the area. For the cities of Srinagar, Jammu and Poornch, however, the concerned Presidents of the Municipal Committees were appointed as Electoral Registrars.

55. i) A Press note issued by Jammu and Kashmir Government on April 30, 1951;
ii) The Times of India, New Delhi May 1, 1951.

56. File C-4 (Pamphlet) Kashmir Consembly (a typed copy)
Reference and Research Unit of Information Department
Srinagar. P.2.

57. Ibid. P.2.

↑ The function of preparing electoral rolls had been entrusted to 43 electoral registrars, who were mostly special Tahsil clerks dealing with land reforms work and presidents of the municipal committees in Jammu, Srinagar and Poonch. The govt. had also appointed 41 revising authorities²⁰ in Jammu, 19 in Kashmir province, and two in Ladakh district, who were mostly judicial and Revenue officers, for purpose of receiving, hearing and deciding claims & objections with regard to provisional rolls of the C. A. According to the rules promulgated in relation to J&K C. A., the electoral rolls for each constituency should be prepared in Hindustani using Urdu script. (The Hindu 11-6-51)

~~The Govt of Kashmir constituted a special body called the Committee of election rules~~
The Govt²¹ of Kashmir (or C.A election rules) had fixed Rs 3,000^{int} or two annas per voter as the maximum expenditure that every may be incurred by a candidate contesting election to the C. A from any constituency. The C. A election^{rules} also lay down that the method of settling election disputes would be decided by the C. A itself or its nominated bodies & not by a tribunal set up by the Govt²².
The rules contained a warning to Govt²³ servants against infringement of election rules or interference in the conduct of the elections. Attempts by parties or candidates at inciting communal passions or at violence during the election would be considered an offence punishable under the law. Separate polling booths would be provided for women voters.

(National Herald (Lucknow) 21-9-51)

A perusal of the table will show that voters formed 55 % of the total population. It was definitely a much higher percentage as compared with the percentage of voters of Praja Sabha. (The first Praja Sabha of 1934 consisted of 75 members out of whom only 33 were elected on the basis of limited franchise conferring voting rights on 3 to 4 % of the population only. The remaining 42 members were induced nomination at Maharajah's choice. In 1939 seven more seats of Praja Sabha were thrown open to election. Two members were to be elected by the TAZIMIS Sardars (chief Land lords) whose number was 27 in all. Two more were to be elected by Jagirdars whose total strength in the State was only 175. Two were to be elected from a constituency of 700 landlords who paid the annual land tax of Rs. 250/- or more and one was to be elected from a constituency of 700 pensioners. But in the Praja Sabha of 1943 only 3 % of the population was given the right of franchise.) In pursuance of the proclamation of Muvraj Karan Singh dated 30th April 1951, the Government of Jammu and Kashmir announced rules for the conduct of elections to the Jammu and Kashmir Constituent Assembly.

- X 58. "Conference of the Presiding Officers of the Legislative Bodies in India 1970". Welcome address by Shams-ud-Din Speaker Jammu and Kashmir Legislative Assembly, Srinagar the 15th of July, 1970 P.8.
- X 59. Elections in Kashmir. The Publication Division Ministry of Information and Broadcasting Government of India October, 1957. P.3.
- X 60. i) Notification issued by Shiva Ram Saraf, secretary of His Highness Government Praja Sabha Department dated 9th September 1943;
ii) "Elections in Kashmir" The publication Division, Ministry of Information, Government of India, October, 1957. P.2
- 61. i) Government of Jammu and Kashmir "Jammu and Kashmir Constituent Assembly" Election (Part I) Rules 2008. Jammu Government Press 1951. It dealt with the following topics:-
 1) Qualifications and disqualifications for membership of Constituent Assembly Chapter II Section 3 and Section 4
 2) Nominations of candidates Chapter III Section 5 to Section 32.
 3) Administrative Machinery for the conduct of Elections Ch. Section 33 to Section 43.

WHO COULD VOTE*In Case of*

62

WHO COULD VOTE Unlike Praja Sabha, every State Subject, who was not declared of unsound mind by any competent court and not disqualified from voting under provision of any law relating to malpractice and other offences in connection with election, after the promulgation of the rule, could be eligible to be registered in the electoral rolls of any electoral area if he was 21 years of age on March 1, 1951 and had been ordinary resident of the electoral area for not less than one week during two years preceding Baisakh 2008 Bikrami, ⁶³ & one could register himself in any number of Constituencies but he should vote in only one of them. If a person votes in more than one Constituency, his votes in such Constituencies should be void. ⁶⁴

WHO COULD CONTEST (qualification and disqualification for the Members of Constituent Assembly)

One could contest elections only if he was a first class State Subject and a registered voter ⁶⁵ in the province in which he wished to contest, was a literate and had attained the age of 25 on or before August 1, 1951.

ii) Government of Jammu and Kashmir: Constituent Assembly (Part II) Rules, 2008. Jammu Government Press 1951. Chapter IV. It deals with :-

1. Candidates and their Agents Chapter II Sec 3 to Sec 12.
2. The Poll Ch. III Sec. 13 to Sec. 52
3. Return of Election Expenses Ch.IV Sec. 53 to Sec. 61.
4. Corruption and illegal practices Chapter V Sec. 62 to Sec 63 a
5. Disputes regarding elections Ch. VI Sec. 64 to Sec 65.

62. Elections in Kashmir. The Publication Division Ministry of Information and Broadcasting Government of India October 1957 at page 2 mentioned qualifications for those who could vote for Praja Sabha. These were "Village and District headmen, ~~prakas~~ priests and managers of religious property, title-holders, pensioned officers, medical practitioners, lawyers and those who had passed the Middle School Examination or its equivalent could only vote. ~~as well as women~~ Women were not given the right to vote as in the words of the Franch Committee "the inclusion of women voters would increase the administrative difficulties of the election".

63. Hindustan Times Daily May 30, 1951.

64. Ibid P.2.

ii) Government of Jammu and Kashmir: Constituent Assembly (Part II) Rules 2008, Government Press, Jammu 1954 P.8 Sec. 25(ii)

65. i) Ibid. P.2 Chap. II Sec. 2. ii) The Hindustan Times Delhi 19th August, 1951. P.8

66

But unlike Praja Sabha, a person would be disqualified to contest any seat for Constituent Assembly if he held the office of profit in Jammu and Kashmir Government in the Government of India, or any local body in the State Government or was a whole time employee of a municipality or a local body in the State. But that would ^{not} apply to the Ministers of Jammu and Kashmir Government or pensioners of Jammu and Kashmir Government or Government of India or whole time employees of a Co-operative Society. A person would also be disqualified if he had been convicted for an offence punishable with imprisonment for not less than two years or if having held office under the Government of India or any State Government in India or Jammu and Kashmir Government had been dismissed for corruption, unless in both cases a period of three years or such less period as allowed by the Commissioner had elapsed since his release or dismissal respectively; if he was an unsound mind ~~xxx~~ as declared by a competent Court or if he was not ~~disqualified~~ ^{discharged} as an insolvent or being a discharged ^{insolvent} solvent had not obtained from a competent Court a certificate that his ~~insolvency~~ ^{insolvency} was caused by misfortune without any misconduct on his part.

68

A Delimitation Committee was constituted which consisted of a Judge of Jammu and Kashmir High Court (Mr. Justice M.A. Shahmiri) and four other members of the rank of Dy-Commissioners from the Revenue Department. In defining the territorial limits of a Constituency, the Committee would take a population of 40,000 as nearly as possible, living in ~~the~~ compact contiguous area with due regard to physical features and means of communication, as the

- X 66. The Jammu and Kashmir Constitution Act No: XIV of 1996 (1939) under Sec: 28 dealt ~~at~~ with the qualifications for members of the Praja Sabha in a negative manner by providing the disqualifications for members. It provided that a person should be disqualified for being chosen as or for being member of Praja Sabha on the following grounds:-
- (a) If he is an official, but this shall not apply to the ex-Officio members, or to the officials nominated by His Highness, or to the President, or to the Dy. President, or to the Under Secretaries elected by the Praja Sabha;

~~— basis~~ and might, wherever, it deemed necessary leave a margin ~~not~~ ^{any} not exceeding 10 %. The All Jammu and Kashmir Praja Sabha Parishad which previously criticised the convening of Constituent Assembly to draft a separate Constitution for the State, at its working Committee meeting on 8th May 1951 (~~welcomed the establishment~~ ^{of the constituent assembly}) decided to contest the elections ⁷⁰ ⁷⁰ and demanded representation in Delimitation Committee. Kavi Raj Vishnu Gupta president Jammu and Kashmir Pursharthi Sabha requested the Kashmir Government which had already accepted the ~~request~~ ^{right to vote} of all adult Kashmiri refugees residing in India, ~~to be~~ voter to instruct the Delimitation Committee to set apart three seats for these refugees in the ~~Kashmir~~ Nagrota Camp and also to make proper arrangements ~~for~~ ^{make} ~~ballotting~~ ⁷¹ if necessary.

- (b) if he is under 25 years of age;
- (c) if he is of unsound mind and stands so declared by a competent court;
- (d) if he is an undischarged insolvent or being a discharged insolvent has not obtained from a competent court a certificate that his insolvency was caused by misfortune without any ~~miscre~~ misconduct on his part;
- (e) if he is a person against whom a conviction by a Criminal Court for an offence punishable with a sentence of imprisonment for a term of six months or more is subsisting or order binding him to be of good behaviour has been passed or an order of internment passed by a magistrate or the council of His Highness is in force, unless a period of five years or such less period as His Highness may allow in any particular case has ~~elapsed~~ elapsed since his release or the expiry of the period specified in the order;
- (f) if he has been convicted or has in proceedings for questioning the validity or regularity of an election, been found guilty of any offence or corrupt or illegal practice relating to elections, which has been declared by any rule or order of the Council to be a practice entailing disqualification for membership of the Praja Sabha, unless a period of three years has expired from the date of such conviction or finding;
- (g) If, having been elected a member of the Praja Sabha he has failed to lodge a return of election expenses within the time and in the manner required by the rules under this Act, unless a period of three years has expired from the date of ~~when~~ ^{by} which the return ought to have been lodged or ~~His~~ His Highness has removed the disqualification".

~~XXX~~ A convention of Sikh parties, held at Srinagar on August 6, 1951 demanded more seats for Sikhs in Constituent Assembly than in old State Legislature. All the demands ~~were not accepted by the Government.~~ The Government, however, accepted the recommendations of the Delimitation Committee according to which Kashmir province was divided into 43 ~~73~~ Constituencies, ⁷² Ladakh one ~~constituency~~, and Jammu province into 30 ⁷³ Constituencies. ~~(A)~~

(3.2/3)

ELECTION PROGRAMME Pt. Hiranand Raina, Election Commissioner had, under the Jammu and Kashmir Constituency Rules, fixed following dates for submitting of nomination papers, their ~~scrutiny and announcing of the result and their withdrawals:-~~

KASHMIR PROVINCE

⁷⁴
(43 Constituencies)

Last date for filing nominations	- - -	30.8.1951
Date of scrutiny of nominations and announcing of decisions	- - -	1.9.1951
Last date for the withdrawal of candidates if any;	- - -	3.9.1951

FRONTIER DISTRICTS OF LADAKH & KARGIL

⁷⁵
(20 Constituencies)

Last date for filing nominations	- - -	27.8.1951
Date of scrutiny of nominations and announcing of decision if any;	- - -	29.8.1951
Last date for the withdrawal of candidates if any;	- - -	31.8.1951

A person could not be chosen a member of the Praja Sabha while serving a sentence of imprisonment for a criminal offence, or while under detention for failure to furnish security for keeping the peace or for good behaviour. Disqualifications other than those mentioned in the Act could be imposed by law.

67. Jammu and Kashmir Constituent Assembly (Part I) Rules 2008 ~~opcit.~~
~~Kashmir government press Jammu 1951 Sec. 4 P. 2-3.~~
 ii) Hindustan Times Delhi 19th August 1951 P.8.

68. Jammu and Kashmir government Gazette (extraordinary) 9th August, 1951.

69. File C-4 (Pamphlets) Kashmir Constituent Assembly (^a typed note).
 Reference and Research Unit Information Department Srinagar P.3.

70. The Hindustan Times 9th May, 1951.

(X)

The J & K. National Conference had printed an anna stamp with a picture of Sheikh Abdullah, president of the Conference, on one side and the plough, the emblem of the Conference on the other. The stamps were sold amongst the public ~~amongst masses~~ who would thus contribute to the election funds of the Conference.

The G. secretary of the Conference had earlier announced that it would approach the masses rather than rich people for funds to fight the elections (The Hindu 1-3-51) ⁷³⁽¹⁾

In Kashmir and frontier districts

one week before the election date, (Korbel, Josef: Danger in Kashmir op. cit. pp 222)

JAMMU PROVINCE

76

(30 Constituencies)

Last date of filing nominations	18.9.1951 XXXXXX
Date of scrutiny of nominations and announcing of decisions	20.9.1951
Last date for the withdrawal of candidates if any;	22.9.1951

Foreign correspondents and observers flocked to the State to witness the elections to this important body and people were assured of a free and fair exercise of their vote.⁷⁷ But on the other hand, the very announcement of coming elections of Constituent Assembly created panic among the Pakistani leaders and it led to press hysteria, troops movement and finally treats of Holy War. They tried to encourage rival candidates putting people on their oath to vote for them, but failed.⁷⁸

The result was

In Kashmir Province National Conference obtained an absolute majority since 43 out of 45 candidates ^{were} returned unopposed and in rest of two Constituencies i.e. Baramulla and (Habakadal Constituency) at Srinagar the rival candidates, who submitted their nominations first, ultimately backed out. ~~Karbhakshaka report~~ There was in fact no balloting. Government version was that neither of the candidates,⁷⁹ had complained of any restriction on their election campaign. This statement did not prove correct as the was not the reality. The Baramulla rival candidate (Sardar Sant Singh Teg) in his letter of 21st September 1951 to ~~xxx~~ the Returning Officer protested against official interference in the election, changing of the colour of his ballot box in his absence and adoption of foul and disgraceful methods to prevent

71. The Hindustan Times ~~xx~~ Delhi July 30, 1951 P.5.
72. The Hindustan ~~xx~~ Delhi August 7th, 1951 p.4.
73. Election Commissioner Jammu and Kashmir Notification No: E.C-7 dated 6.9.1951 scheduled attached.
74. The Hindustan Times Delhi August 20, 1951 P.4
75. Ibid.
76. Office of the Election Commissioner, Notification No: E.C.-6 dated 6.9.1951 Government of Jammu and Kashmir
77. "Elections in Kashmir" The Publication Division Ministry of Information and Broadcasting Government of India October, 1957 ^{sp. ed} p.5

82

voters to attend his election meetings. According to the All Jammu and Kashmir Praja Parishad these two candidates were compelled to withdraw under pressure. Karbal also reports that they withdrew subsequently under pressure. This outright victory of National Conference was described by Maulana Mohd. Sayed as an un-equivocal reply of Kashmiri muslims to Pakistan. In Jammu Province the All Jammu and Kashmir Praja Parishad the only effective opposition party which decided to contest elections ^{and} stood for unconditional accession of the State to Indian Union and adoption of Indian Constitution in toto, complained to the Commission of ^a number of irregularities and adoption of all fair and foul means in Jammu elections. Pt. Prem Nath Dogra the President of All Jammu and Kashmir Praja Parishad in a press release at Delhi on 6th October, 1951 mentioned the adoption of following ^{malafide} tactics ⁸⁶ by the Govt.

- 1) Not holding elections in the provinces of Kashmir and Jammu simultaneously;
- 2) Irregular Delimitation;
- 3) No general seats in three constituencies;
- 4) Out of the ~~way~~ Poling Stations;
- 5) 41 out of 65 nominations of Praja Parishad candidates were rejected on the most flimsy grounds;
- 6) Favour towards the National Conference candidates; and
- 7) Official interference

78. Elections to Jammu and Kashmir Constituent Assembly
Ministry of Information and Broadcasting Jammu and
Kashmir. Year unknown. P.1

79. i) Ibid. P.1
ii) ~~Elections in Kashmir the Publication Division Ministry of Information and Broadcasting Government of India. year unknown. Oct. 1957. P.5~~ op.cite p.5.

80. Gupta, Jyoti Bhushan Das; ~~Jammu and Kashmir Martinus Nijhoff/~~ The Hague 1968 P. 186.
~~op.cit.~~

81. ~~Elections to Jammu and Kashmir Constituent Assembly~~
Ministry of Information and Broadcasting Jammu and Kashmir
Year unknown. P.1. op.cit.

82. Sathu, Jagan Nath: Behind the Iron Curtain in Kashmir
Democratic Union 30 Faiz Bazar Delhi, January 1952 P.62-63.

83. A statement issued to the press by Pt. Prem Nath Dogra at a Press Conference held in New Delhi on 6th Oct. 1951.

Pt. Prem Nath Dogra also met Mr. Gopala Swami Ayyanger, the then Minister of State, and reported about all these irregularities and made the following suggestions:-

1. To hold an independent, Judicial inquiry into the rejections of the nomination papers of the Praja Parshad candidates in all the 27 Constituencies from where it had originally put up its candidates;
2. To appoint some Supreme Court Judge to conduct the elections in Jammu, to assure perfect impartiality; and
3. To prevent Government servants from working for candidates of any party in the State.

The General Secretary of All Jammu and Kashmir Praja Parshad in a letter to State Election Commissioner dated 5th December, 1951 made the similar complaints. In another reso-

lution it gave an ultimatum to the Government to set right deliberate rejections of Praja Parshad candidates till 27th September, 1951 noon failing which

otherwise the party might go to the extent of boycotting the elections. The Ghaxat CHAND ~~of~~ pro National Conference ~~really~~ was of the opinion that the nomination papers of 40 candidates were rejected according to ~~a well~~ planned scheme; the matter became more suspicious when none of the National Conference candidates was disqualified. ~~After~~

84. Joseph Korbel : "Danger in Kashmir" op. cit. p 222.

85. National Herald Lucknow September 3, 1951. P.1.

86. i) A statement issued by Pt. Prem Nath Dogra, at a Press Conference held in New Delhi on 6th Oct. 1951 Praja Parshad files Jan Sangh Head Office Jammu;

ii) "Praja Parshad stand explained" A pamphlet issued by Durga Dass Varma, General secretary All Jammu and Kashmir Praja Parshad Jammu. year unknown P.8-14

iii) A plea to understand Praja Parshad "A pamphlet issued by publicity secretary All

87. Ibid. P. 14 - 15. JK Praja Parshad "on p. 8 mention 41 out of 59 nominati-

88. Gupta, jyoti Bhushan Dass "Jammu & Kashmir" ~~starts right off~~
~~The Name is 1962 on P-186 mentioned 15 (constituencies) seats~~
op. cit.

89. Praja Parshad files in Jan Sangh Head Office Jammu Copies of that letter were also sent to Prime Minister of the State, Dy. Prime Minister, Prime Minister of India and

but putters

~~or~~ repeated requests and ultimatumⁱ the Jammu and Kashmir

Parja Parshad ultimately in a telegram to Prime Minister of India on 9th October (and not on 12th October, 1951 as mentioned by Jay Jyoti Bhushan Dass Gupta in his book Jammu and Kashmir P. 186) ⁹² ~~conveyed not to contest~~ the elections under protest. ⁹³

The copies of the telegram were also sent to President of India ⁹³ and

N. Gopalaswami Ayyangar. Maulana Mohd Sayed, General Secretary of All Jammu and Kashmir National Conference in a press release, ⁹⁴

while commenting on Parja Parshad boycotting/elections, ^{the} defended ⁹⁵ the Government against all the allegations made by Parja

Parshad in their resolution of October 1951 ~~and called that~~ ^{He alleged that}

Parja Parshad was a communal organisation, ⁹⁶ party ~~was communal~~, which was basically opposed to the idea of convening Constituent Assembly. He added that Parja Parshad

lacked popular support and when they ~~saw the landslide~~ apprehended a landslide victory

for ~~National~~ Conference in Srinagar, they got perplexed and ~~were~~ ⁹⁷

~~coming doubtful~~ ^{the al} ⁹⁸ ~~and thus~~ ⁹⁵ suspicious of their success decided to boycott the elec-

tions. Thus ~~Nation~~ Conference secured all the 75 seats. The

following tables will give ~~a~~ ^a complete picture of the State elections:-

(6) TABLE 2.

Jammu and Kashmir

STATE SUMMARY.

Population : 3,560,976

Urban : 16.7 Rural : 83.3

Muslim : 68.3 Hindu : ~~4~~ Sikh: 1.7 Budhist: 1.4 Christian 0.1

1951

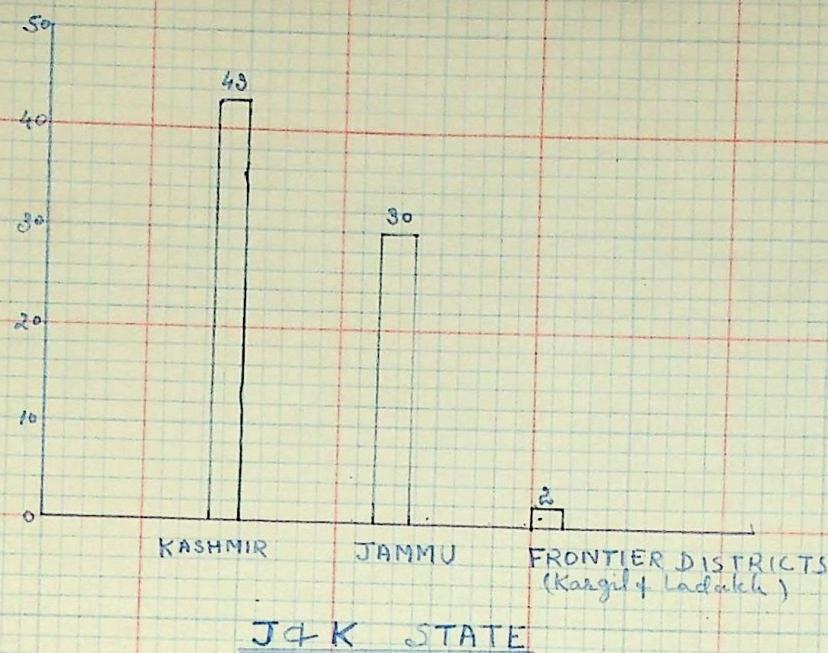
Party	Cont.	Won	LD	PCT
N.C.	75	75	0	----

(75) 75 75

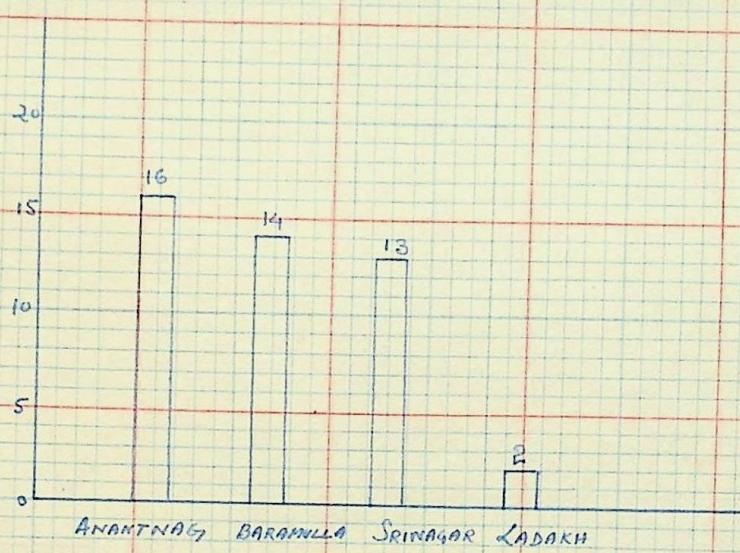
*uncontested NC (75)

90. Resolution adopted by Working Committee of the All Jammu and Kashmir Parja Parshad which met on 22nd September, 1951. P.P. files Jan Sangh Head Office, Jammu.

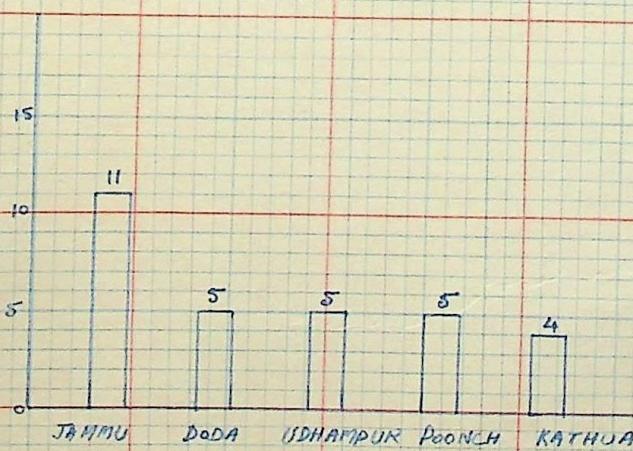
DISTRIBUTION OF SEATS



J&K STATE



DISTRICTWISE DISTRIBUTION OF SEATS IN KASHMIR PROVINCE



DISTRICTWISE DISTRIBUTION OF SEATS IN JAMMU PROVINCE

(7)

Table 3

PROVINCE WISE ELECTIONS

97

Kashmir Province (*This include frontier districts*)Population : 1,988, 089
79.8

Urban 20.2 Rural: 79.8

Muslim 92.2 Hindu : 4.5 Buddhist: 2.4 Sikh: 0.8 Christian #

1951

<u>Party</u>	<u>Cont</u>	<u>Won</u> *	<u>L.D.</u>	<u>PCT</u>
NC	45	45	0	---
(45)	45	45	0	

*Uncontested: N.C (45)

98

JAMMU PROVINCE

Population : 1,572, 887

Urban : 12.2 Rural : 87.8

Hindu 58.7 Muslim: 38.1 Sikh: 2.9 Christian: 0.2

1951

<u>Party</u>	<u>Cont.</u>	<u>Won</u> *	<u>L.D.</u>	<u>PCT</u>
N.C	30	30	0	----
(30)	30	30	0	

*Uncontested: NC (30)

91. Sethu, Jagan Nath: Behind the Iron Curtain in Kashmir
Kashmir Democratic Union 30 Faiz Bazar Delhi January
1952 P.65.

92. Parja Parshad files Jan Sangh Head Office Jammu.

93. Ibid.

94. Ibid.

95. C.A. Deb. Vol I No.1 dated 31st October, 1951 P.

96. "District voting Trends" In India, A reference tool
compiled by Craig Baxter, Published by Southern Asian
Institute Schools of International Affairs Columbia
University New York 1969 P.92.(Note: The author mentioned 1952 elections. But the
elections were actually held in 1951 and the first
session of the Constitution Assembly vide C.A. Deb.
Vol.I No.1 dated 31st October, 1951 was held on 31st
October, 1951).

(8)

T A B L E 4DISTRICTWISE ELECTION

99

Baramulla District.

Population : 604, 659

Urban: 9.5 Rural: 90.5

Muslim: 97.3 Hindu: 2.0 Sikh: 0.7 Christian ~~#~~

1951

<u>Party</u>	<u>Cont.</u>	<u>Won</u> *	<u>L.D.</u>	<u>PCT</u>
NC	14	14	0	---
(14)	14	14	0	

*uncontested: NC (14)

100

SRINAGAR DISTRICT

Population : 640, 411

Urban : 46.1 Rural : 53.9

Muslim: 90.6 Hindu: 8.3 Sikh: 1.0 Christian ~~///~~

1951

<u>Party</u>	<u>Cont</u>	<u>Won</u> *	<u>LD</u>	<u>PCT</u>
NC	13	13	0	---
(13)	13	13	0	

*uncontested : NC (13)

101

ANANTNAG DISTRICT

Population: 654, 368

Urban: 7.0 Rural: 93.0

Muslim: 95.4 Hindu: 3.7 Sikh: 0.9 Christian ~~///~~

1951

<u>Party</u>	<u>Cont</u>	<u>Won</u> *	<u>LD</u>	<u>PCT</u>
NC	16	16	0	---
(16)	16	16	0	

*uncontested: NC (16)

97. Ibid P.93

98. Ibid P.93

99. Ibid. P.94

100. Ibid P.95

101. Ibid. P.96

102

LADAKH DISTRICT

Population: 88,651

Urban: 4.2 Rural: 95.8

Budhist: 53.8 Muslim 45.4 Hindu: 0.6 Sikh: 0.1 Christian ~~//~~

1951

<u>Party</u>	<u>Cont.</u>	<u>Won</u>	<u>LD</u>	<u>PCT</u>
NC	2	2*	0	---
(2)	2	2	0	

*uncontested: NC (2)

103

DODA DISTRICT

Population: 268,403

Urban: 5.8 Rural: 94.2

Muslim: 65.0 Hindu: 34.6 Budhist: 0.2 Christian ~~//~~

1951

<u>Party</u>	<u>Cont</u>	<u>Won</u>	<u>LD</u>	<u>PCT</u>
NC	5	5*	0	---
(5)	5	5	0	

*uncontested: NC (5)

104

UHAMPUR DISTRICT

Population: 254,061

Urban: 6.5 Rural: 93.5

Hindu: 65.1 Muslim: 33.9 Sikh: 0.9 Christian: 0.1

1951

<u>Party</u>	<u>Cont.</u>	<u>Won</u>	<u>LD</u>	<u>PCT</u>
NC	5	5	0	---

Uncontested: NC (5)

105

KATHUA DISTRICT

Population: 207,430

Urban: 7.5 Rural: 92.5

Hindu: 85.7 Muslim: 13.0 Sikh: 1.2 Christian: ~~//~~

1951

<u>Party</u>	<u>Cont.</u>	<u>Won.</u>	<u>LD</u>	<u>PCT</u>
NC	4	4	0	---
(4)	4	4	0	

See Nehru-Mookerjee
 Correspondence
 Information Officer, Jammu & Febr.
 New Delhi, 1953
 S.M. Abdullah, Jammu - Feb 16
 Information Bureau of
 Nationalist Congress.

— x — x —
 S.M. Abdullah's in his letter to Dr. S. P. Mookerjee
 dated Feb. 4, 1953, wanted out
 of the then constituent Assembly mentioned the details of the members
 of the then constituent Assembly
 which consisted of 75 members as following: —

Province	<u>General</u>	<u>Muslim</u>	<u>Buddhist</u>	<u>Total</u>
Kashmir	3	41	...	44
Jammu.	21	8	29
Ladakh	—	1	1	2
	<u>24</u>	<u>50</u>	<u>1</u>	<u>75</u>

Integrate Kashmir

Mookerji - Nehru - Abdullah Correspondence
 publicity Deptt. Bharatiya Jan Sangha
 Ajmer Gate Delhi. pp 31.

JAMMU DISTRICT

Population: 516,932

Urban: 24.7 Rural: 75.3

Hindu: 83.0 Muslim 10.0 Sikh: 6.3 Christian: 0.4 Jain 0.3

1951

<u>Party</u>	<u>Cont.</u>	<u>Won</u> *	<u>LD</u>	<u>PCT</u>
NC	11	11	0	---
(11)	11	11	0	

*uncontested: NC (11)

107
POONCH DISTRICT

Population: 326,061

Urban: 5.0 Rural: 95.0

Muslim: 79.5 Hindu: 18.0 Sikh: 2.5 Christian: //

1951

<u>Party</u>	<u>Cont</u>	<u>Won</u> *	<u>LD</u>	<u>PCT</u>
NC	5	5	0	----
(5)	5	5	0	

*uncontested: NC (5) //

BROAD OBJECTS OF THE CONSTITUENT ASSEMBLY

3.2

The establishment of Jammu and Kashmir Constituent Assembly in September 1951 was an event of great significance in the political history of the state. Its birth

102. Ibid. P. 97

103. Ibid. P. 99

104. Ibid. P. 100

105. P. 101

106. Ibid. P. 102

107. Ibid. P. 103

108. "KASHMIR IN INDIA" the author, publisher and year unknown but printed at the Caxton Press New Delhi P. 2

ii) KASHMIR - At A Glance, published by Department of Information Jammu and Kashmir Government 1961 P. 4iii) Dr. Balbir Singh in his thesis "The working of Jammu and Kashmir Legislative Assembly (1967-1972)" submitted to the University of Jammu for Ph.D. Degree

Books to

True

F.N N. Chaudhary in an article
organised weekly in ~~newspaper~~ "Kashmir Through
Constitutional Eyes" ^{published in organiser 2-6-1952} ~~objected~~ to the sovereign character
of Kashmir Assembly and pointed out that "... other
princely states also ~~had~~ thus acceded with larger
powers than those of the provinces, but later they
agreed to be put on par with them except in the minor
matters of retaining princes as Constitutional heads
in place of provincial governors. But the decision
about desirable alignment of Kashmir with the
provinces was left by Art 370(2) of the Indian
constitution to the proposed C.A of Kashmir; the
intention being to have it done by popular consent.
The Kashmir C.A. thus is not a sovereign body, for
Art 370 gives it power to transfer more subjects to
the centre, but not to curtail the three ceded
subjects or to decide in favour of ~~cessation~~ ^{cessation} or
or altering the basic structure of a princely
state". He further added -
The Kashmir C.A cannot also do away with
the status of the Maharaja for the simple reason
that the maintenance of the status is a ~~central~~
central responsibility. Kashmir affairs are fundamen-
tally governed by the terms of accession. And
Art 370 does not give to any body to do any
thing to the prejudice of those terms. Art 370
is thus to be interpreted as subservient
to the general provision of Art 291 protecting
the rights and status of the acceding princes.
The power that Art 370 gives to Kashmir to
shape her internal administration and legislature
set up does not include the power of scrapping
the Raj Bhawan's position.

11 similar views
were expressed by Dr. S. P. Mukherjee which in
his speech in house of people on Kashmir on July 6, 1952

marked an important stage in our struggle for the establishment of democracy in the State. The framers of the Constitution generally state their objectives in the beginning and then try to incorporate those ~~the~~ objectives into the provisions of the Constitution. The Declaration of American Independence (1776) laid down the twin ideals of equal equality of men and of securing to them certain inalienable rights i.e. the rights ^{to} life, liberty and the pursuit of happiness". The French Declaration of the Rights of Man and Citizens ~~in~~ 1789 spoke of the equality of men and guaranteed to them the rights of "Liberty, Property, Security and Resistance to Oppression". ^{NEW} MAXX KASHMIR - the Socio-Political plan for rebuilding of the state and MAGNA CARTA of National Conference spoke of the union of different regions of the state based upon fullest equality and self determination, to raise the people from abyss of oppression and poverty, degradation and ignorance into ^{the} sun-lit valley of plenty ruled by freedom, science and honest toil.

Dear Sirs

in May 1973 (unpublished) on page 19 mentioned that the Constituent Assembly was elected in 1952. The Statement is incorrect as the 1st Session of the Assembly was held on 31st October 1951. ^{(iv) A brief Review of Progress in Jammu & Kashmir" published by Deptt. of Information, J&K Govt. Srinagar year unknown. p.2 also mentioned that C.A of the state came into existence on 31st Oct. 1952. which is incorrect.}

(W) "INDIA AND KASHMIR" - Constitutional Aspect, Ministry of Information and Broadcasting Jammu and Kashmir. Year unknown. o.p.c.t. P.5 . It was mentioned that there was a good deal of correspondence between the State Government and the Government of India on the question of scope of the Constituent Assembly and eventually Mr. Raj Gopala Chariar, Moulana Abdul Kalam Azad Mr. Gopala Swami Ayyanger on behalf of the Government of India assured the Prime Minister of Kashmir that there was no disagreement with the view expressed by the State Government (in a letter of Prime Minister of State to Gopala Swami Ayyanger dt. 16th January 1951) and those of India in regard to the subjects which would come for discussion and decision before the Constituent Assembly. The same view had been expressed by the Prime Minister of India in his letter dated 9th February 1951 which he addressed to the Prime Minister of Kashmir from London. He pointed out "I have no doubt that the will of Kashmiri people must prevail in regard to every matter and it is ~~thus~~ they who will decide ultimately every question affecting the State".

109. Robert G. Dixon and Elmer Plischke ; "AMERICAN GOVERNMENT BASIC DOCUMENTS AND MATERIALS" D. Van Nostrand Company Inc. Princeton New Jersey . February 1952 p.6

110. "DOCUMENTS OF MAJOR FOREIGN POWERS" edited by Louise W. Holbe John H. Herzy and Gwendolen M. Carter P.90 Harcourt, Brace world, Inc. New York/Chicago/San Francisco/Atlanta.

115 (ii)

~~But~~ Sheikh Mohd. Abdullah in his policy statement in the C.A on 5th Nov 1951 pointed out that ~~the~~ ^{consent by} C.A had been the repository of its ~~sovereign~~ sovereign authority. While referring to its members he said, "you are the sovereign authority in the state of Jammu & Kashmir." In support he quoted Art 3 of the French Constitution.

"The source of all sovereignty resides fundamentally in the nation... Sovereignty is one and indivisible, inalienable and imprescriptible. It belongs to the nation."

He concluded with the words "we should be clear about the responsibilities that this power invests us with..."

f.

referring

- ④ was formed to formulate the objectives of forthcoming Constitution of the Jammu & Kashmir State.

The proclamation of His Highness Maharaja of Kashmir dated 5th March, 1948 spoke of the establishment of a fully Democratic Constitution based on adult Franchise with a hereditary ruler as a Constitutional head, adequate safeguards to the minorities and guaranteeing freedom of conscience, freedom of speech and freedom of assembly.

Like Pt. Jawahar Lal Nehru who moved the objectives 114

Resolution containing broad objectives of the Constitution in the Constituent Assembly of India, Sheikh Mohd Abdullah, the then leader of the House also presented the broad OBJECTIVES in his HISTORIC address to the Constituent Assembly 115 on 5th November 1951. The main functions for which the Constituent Assembly had been called upon to perform were :-

I TO DECIDE CONSTITUTION FOR THE FUTURE GOVERNANCE
116

GOVERNMENT OF THE COUNTRY

6

Sheikh Mohd. Abdullah traced out briefly the events which led to the adoption of SALE DEED (ie. treaty of Amritsar 1846) of the territory and people of Kashmir for 75 lakhs rupees and economic suppressions afterwards. He pointed out

- E.C. 4. P. 5
chell 1 NO 3 D 5th NOV. 1951 P. 1
- 111. While addressing the National Conference Convention held in 1948, Sheikh Mohd. Abdullah said "NEW KASHMIR undoubtedly transcends all barriers of race, religion, colour and economic inequality. It aims at the total extermination of social parasitism and liquidation of exploiters. A dynamic programme like this which even as its immediate objective has the emancipation of common man from the shackles that bind him today cannot surely drive in an atmosphere of hate and the narrow limits of reactionary feudalism" (Jammu and Kashmir National Conference 21st Annual Session-Political Resolutions published by Abdul Rashid General Secretary All Jammu and Kashmir National Conference (Camp) Jammu year unknown. P. 3)
 - 112. Nowak "NEW KASHMIR" published by Mr. K.N. Bamzai, The Director Kashmir Bureau of Information 5, Prithvi Raj Road, New Delhi. Year unknown. P. 12.
 - 113. "Proclamation Shri Inder Mohinder Raj Rajeshwar Maharaja Adhiraj Sri Hari Singh the ruler of Jammu and Kashmir and dependencies. Jammu March 5, 1948
 - 114. Tewari, Umakant in his book the Making of Indian Constitution (Central Book Depôt 1967 Allahabad P. 70) mentioned that the Congress Working Committee appointed the Expert Committee, 1 in July 1946, under the Chairmanship of Pt. J. L. Nehru to lay down, among other things, the objectives of the forthcoming Constitution. But no such committee

On 15th August, 1947, India and Pakistan emerged as two Independent Dominions. Like some of other princes, the Maharaja of Kashmir was being carried away by sentimentalism rather than realism and supported by his advisers and even some of the leaders of the politically conscious groups in the State, also fondled with the idea of Independence. The Maharaja said¹ :-

In the course of a letter dated 26th October, 1947 to Lord Mountbatten, the Governor-General of India,

" I wanted to take time to decide to which ~~in the best~~^{and} Dominion I should accede, whether it is not in the best interest of both the Dominions and my State to stand independent, of course, with friendly and cordial relations with both."

An independent Kashmir like Switzerland was within their imagination.² R. C. Kak, the then Prime Minister of the State, also wanted to keep India at arms length and thereby to maintain the separate entity of Jammu and Kashmir as an independent State in this sub-continent.³

1. ^WThe Hindustan Times dated 14th October, 1947
 & Ibid.

The Maharaja's intention had been earlier made public by his Deputy Prime Minister, R. L. Batra, in an interview in Delhi He Said :-

" We intend to keep on friendly relations with both India and Pakistan. Despite constant rumours, we have no intention of joining India or Pakistan, and the Maharaja and His Government have decided that no decision of any kind will be made until there is peace in the plains. The only thing that will change this decision is if one side or the other decides to use force against us.... The Maharaja has told me that his ambition is to make Kashmir the Switzerland of the East- a State that is completely neutral. As much of our living depends on visitors, we must think of them. Visitors will not come to a State which is beset with communal troubles. Kashmir he added would develop as a pleasure resort and the were in an extremely important geographical position. Our borders touch six countries-India, Pakistan, Tibet, Russia, Afghanistan and Sinkiang."

Maharaja to Mountbatten. Letter of 26th Oct. 1947.

2. Mahajan, Mehr Chand : " Kashmir problem in its true prospective"
Hindustan Standard, June 3rd, 1957,
 New Delhi, pp 6
3. Setalvad, M. C. : " My Life, Law and Other Things,"
 N.M. Tripathi Publishing Book,
 Bombay, 1970, pp 30

The Sheikh's inaugural address to the Jammu and Kashmir Constituent Assembly seems to have a three-fold significance. In the first place, the address is that of a leader who has been the Chief Architect of the freedom struggle in the State as a part of the larger National movement which ended the British Rule in Indian sub-continent. He has also played a leading role in the political drama of the State for about the past half-century, occupying the centre of the stage of the Kashmir political scene most of this time, and indirectly influencing it considerably when circumstances did not occasionally allow his direct presence on the stage.

Secondly, it spells out and highlights the principal ~~empirical~~ Institutions and other ~~empirical~~ formulations which were sought to be enshrined in the State's Constitution and comprise the new Constitutional set-up in Jammu and Kashmir.

Lastly, it is possible to discern in the address, a reflection of some sort of a political philosophy, an ideology or rather a mix ^{ture} of ideologies and to abstract the same from the matrix of the empirical issues and a cluster of Institutions analysed and discussed therein.

In the very nature of the things, the issues and their formulations in the address, are intermingled with the abstract thought behind them. It therefore, seems proper to briefly touch the main issues and follow them up with the political philosophy which prevailed in the Constituent Assembly and was finally projected in its handiwork, the Constitution.

Among the main issues, were the future of the ruling dynasty, the accession of the State to the Indian Union, the question of compensation to the expropriated land-owners, the degree of cultural autonomy to the various territorial units of the State, fundamental rights, independence of Judiciary and the Rule of Law together with the values contained in the concept of socio-economic justice.

As to the ruling dynasty, the Institution of monarchy was pronounced to be incompatible with the spirit and need of modern times and it was desired that the Constitutional head of the State should be chosen by the State Assembly to perform

certain functions which may be entrusted to him under the Constitution.¹

Community

In respect of the State's accession, the address examines the pros and cons of three options opened to the Assembly, mainly, accession to India, accession to Pakistan and an independent status, making the State as a kind of Switzerland of the East. In favour of the accession to India, the address referred among other things, to ~~communizing~~ ^{mainly} comity of ideals between the State and rest of India, the support that State's freedom movement received from the Indian National Congress, democratic values of Indian Constitution such as Rule of Law, the Secular approach to social/public life, the commitment to land reforms and other aspects of socio-economic justice.²

Explaining the case of accession to Pakistan, the address notes the feudal structure and the communal outlook which coloured the political life in Pakistan. It marks the inadequacy and outdated nature of religion forming the basis of a modern State, and irrelevance of religion to present day alliances.³

Regarding an independent status for Kashmir, the lack of good-will for it on the part of its neighbours and some other factors made its viability out of question.⁴

The Assembly was called upon to take a decision on the issue of compensation to the land owners who had lost part of their land on account of Land-reforms which had been carried out by the new regime.

the principle

The manifesto of the National Conference drawn way back in 1944 and entitled 'NEW KASHMIR' contains among, other things/ the "land to the tillers."⁵ The address also stressed a desireability of adopting rule of law, independence of judiciary, fundamental rights such as right to equality, freedom of expression and the values pertaining to the socio-economic justice.

A perusal of the address indicates that the Sheikh (and his party) was considerably influenced by the liberal, democratic traditions of the west, which, incidentally, had also influenced the making of the Indian Constitution.

C.A. Deb. Vol I No.3
5th Nov. 1947

1. ~~Said~~ PP. 6-12
2. ~~Said~~ PP. 22-24
3. ~~Said~~ PP. 24-26

4. Ibid PP. 26.
5. Ibid PP. 12-15

The party also subscribed to certain socialistic values and concepts such as that of socio-economic justice. The "land to the tiller" without compensation to the land-owners for the land of which they were expropriated is, in fact, reminiscent of a Marxist norm. It seems that the two main streams of the western liberal political traditions and the socialism, lightly coloured by the Marxist traditions, both clamour for attention on the part of the party, its leaders and the Assembly. The result was a kind of a "mix" of the two traditions, two different ways of life, a kind of amalgam of the values belonging to each tradition.

And, so, as the two philosophies or ideologies vied with each other to capture the leaders' mind, the State Constituent assembly was finally asked to incorporate democratic socialism, somewhat in the same way as the Indian Constituent Assembly had done with reference to the Constitution hammered into shape by it. The State Assembly's final ^{option} opinion in favour of no compensation to the land-owners in the larger context, of the "land to the tillers," was a sort of ^a pinch of salt or spice thrown into the cauldron of the new polity, in which what was mainly cooking up was a sort of democratic socialism. To reiterate, the philosophy which largely animated the framing of the Constitution in Jammu and Kashmir State was that of democratic socialism.

The functions for which the ~~Government~~ Constituent Assembly had been called upon to perform were;--

1. TO DECIDE CONSTITUTION FOR THE FUTURE GOVERNANCE

¹¹⁶ OF THE COUNTRY;

2. TO DECIDE THE FUTURE OF THE RULING DYNASTY;¹¹⁷

3. TO DECIDE WHETHER OR NOT COMPENSATION SHOULD BE PAID
¹¹⁸ TO THE LANDLORD; ~~AN~~ AND

4. TO DECLARE ITS CONCLUSION REGARDING ACCESSION.¹¹⁹

So far the future Constitution of the State concerned,
Sheikh Abdullah stressed that it should be based on the ~~principles~~^{was} of equality, liberty and social justice, which ~~were~~^{of the world} the integral features of all progressive constitutions. The rule of law, equality before the law and the independence of judiciary should be the corner-stones of the political ~~structure~~ structure. He further added that the freedom of individual in the matter of speech, ~~press~~ movement, association, press and opinion as well as rapid economic development and more equitable distribution of national wealth as given in New Kashmir should be guaranteed. He pleaded that full consideration should be given to the existence of various sub-national groups in ~~the~~ state as well as basic unity of the state. The ~~further~~ ^{future} constitution, according to him, must afford the fullest possibilities to each of these ~~groups~~^{to grow and} XXXXXXXXXXXXXXXXX groups to grow and flourish in conformity with their cultural

116. C.A. Deb. Vol.I No. 3 dated 5th Nov., 1951, pp. 3

117. Ibid pp. ~~xxix~~ 4

118. Ibid pp. 4

119. Ibid pp. 4.

aracteristics, without detriment to the integral unity of the state or the requirements of our social and economic ~~satka~~
120 policies.

While referring to the future of the Ruling Dynasty, Sheikh Abdullah traced out ~~the~~ briefly the events which led ~~up~~ to the ^{conclusion in} ~~adoption of~~ Treaty of Amritsar 1846 and the transfer of the people and the territory for 75 lakhs of rupees ^{to Maharaja Gulab}. He also referred ^{to} the suppression coming in the wake of the Dogra rule afterwards. With the withdrawal of the paramount power, he pointed out, the rights of the Indian Princes had ceased and sovereignty had reverted to the people. He stressed that National Conference was convinced that the institution of monarchy was incompatible with the spirit and need of modern times and a constitutional head of the state would have to be chosen to exercise the functions the assembly might choose to entrust to him.
121

In order to decide whether or not compensation should be paid to the expropriated landlords, Sheikh Abdullah traced out ~~the~~ briefly the history of landlordism in Kashmir from Great Mughals down to the Dogra dynasty. He referred ~~to~~ to the "LAND TO THE TILLER" policy of the National Conference as envisaged in the New Kashmir.
122

As regards the State's accession, Sheikh Abdullah referred ^{to} the three possible alternatives with their pros and cons. These were as under:-

a) Accession with the Union of India;

120. Ibid pp. 3-6

121. Ibid pp. 6-12.

122 Ibid pp. 12-15.

- b) Accession with Pakistan ;and
 c) Making Kashmir ~~as~~^{an} Eastern Switzerland i.e.

Independent Kashmir.

While explaining the merits of the state's accession with India he mentioned the kinship of ideals between the two States; the support of the Indian National Congress to the cause of State's people's freedom; the steps towards democratisation, social reconstruction; justice, freedom, equality for all; guarantee of equality of rights to all citizens (irrespective of their religion, colour, caste and class) and secularism--as the main basis of the Indian Constitution. He pleaded that these features of Indian polity would conduce to the security of the Kashmiri Muslims in India. He pointed out that even the economic ~~interests~~^{for the} people demanded the accession of the state with India--as land reforms could only be possible in India and not in ~~feudal~~^{feudal} lord-ridden Pakistan with so many ~~feudal~~^{feudal} privileges intact. More industrialised than ~~feudal~~^{feudal} Pakistan, according to him, India could help the state to exploit the mineral resources and the raw material in which Kashmir was very rich. The ~~use~~^{use} essential commodities could be got in large quantity from India. He further added that as their economic welfare was bound with their arts and crafts, the traditional markets for these precious goods were located in India.
 123

While referring to the second alternative and an argument that as Pakistan was a Muslim state and Kashmir being Muslim majority state, must accede to Pakistan, Sheikh Abdullah pointed out that Pakistan's claims as a Muslim state was only a camouflage, a smoke screen to dupe the

123. Ibid pp. 22-24.

common man and an appeal to the religious sentiments. According to him Pakistan was not an organic unity of all muslims in this subcontinent and was a feudal state where majority of the population was still helpless under the heels of their rulers and were not guaranteed even the fundamental rights through a democratic constitution. He pointed out the fact that, in Pakistan, the right of self determination was then being denied and those who had fought against imperialism were suppressed. He further stressed that religious affinities did not and should not alone normally determine the political alliances of the states and that is why there was no Christian block, Buddhist block or even Muslim block even in modern international politics. Reiterating the economic interests and community of political ideals between the state and the union of India. Sheikh Abdullah said that these days economic interests and community of ideals more appropriately influenced the policies of the states.^{124 125}

While referring to the third alternative i.e the independence of the state, he pointed out the practical difficulties involved therin. Firstly it was not easy to protect sovereignty, and independence in a small country which had not sufficient strength to defend itself and its long and difficult frontiers bordering with so many countries. Secondly under the circumstances it was must for the people of the state to be assured of goodwill of all their neighbours. Addressing ¹²⁶ the Consembly, he reminded the members of the fact that despite the existence of a standstill agreement between independent state of J&K from and Pakistan during the period August 15 to October 22, 1947, the state had been invaded by Pakistan and wherever ^{was} were the guarantee that in future it might not be victim of a similar aggression.¹²⁵

¹²⁴. Ibid pp.24-26

¹²⁵. Ibid pp. 26.

of population was still helpless and under the heels of their rulers and were not guaranteed even fundamental rights through a democratic constitution; where the right of self determination was being constantly denied and those who fought against Imperialism for that just right were being suppressed with force (e.g. Badshah Khan, Khan Abdus, Samad Khan and others in Baluchistan). He added that religious affinities did not and should not alone but economic interests influenced the policies of the state. Economically and industrially backward Pakistan could not help Kashmir in industrialisation.

While referring third alternative - the independence of the State of Jammu and Kashmir he pointed out the practical difficulties. Firstly, it was not easy to protect sovereignty and independence in a small country which had not sufficient strength to defend itself and its long and difficult frontiers bordering so many countries. Secondly, the State people must had the good will of all their neighbours assuring them freedom from aggression. He referred the invasion of Pakistan when Jammu and Kashmir State was independent from August 15 to October 22, 1947.

¹²⁶ Sheikh Mohd. Abdullah concluded his historic statement with the stress that the House must consider the question of accession with open mind, and not let their personal prejudices stand in the way of a balanced judgement. He stressed the Assembly to weigh all these in the scales of their national good and to pronounce where the true well-being of the country ^{will} ~~had~~ ^{lay} in the future. ¹²⁷ ~~the~~

The National Conference captured all the 75 seats of the Assembly because of its policy, programme and leadership. Its leaders not only outwardly rejected all the allegations ^{levelled} ~~levelled~~

125. Ibid. P. 24 - 26.

126. Ibid. P. 26.

127. Ibid. P. 26

④ So far as constitutional making function of the
C.A was concerned ~~for~~ Sheikh Abdullah's
policy statement on ^{Monetary} 5th Nov. 1951 clearly indicated
what ~~to~~ the Constitution would ^{not} be including.
The issues of accession, the ruling dynasty's
future and Compensation for dispossessed landholders
would be settled through the resolutions.

(The statesman 8-11-51)

against it

also brought forth but imposed counter charges. So far as first allegation (i.e. holding not to hold elections in the province of Kashmir and Jammu simultaneously) was concerned, their answer was that dates for the elections were decided strictly according to the climatic conditions prevailing in different parts of the State. Since the State stretched from the snow - ~~enriched~~¹²⁸ ~~frontier~~¹²⁹ areas, and the mountain valley of Kashmir, right down to the hot plains of Jammu, it was obvious that one election day would have been totally unsuitable for all the three regions. Even in India different election days were fixed for the same ^{very} reason.¹³⁰

While answering SECOND allegation (irregular delimitation) the National Conference leaders pleaded that Government had sanctioned delimitation of Constituencies on the recommendations of Delimitation Committee ~~which consisted of~~¹³¹ ~~a senior~~^{four} and experienced Deputy Commissioners, two from each province, presided over by a Judge of High Court. In answer to allegation FOUR (out of the way polling stations) they pointed out that the polling stations were fixed not only by the Returning Officers and the Election Commissioner, but after round table consultations with the people of all parties in the area concerned. The FIFTH allegation ~~was~~^{131(a)} (forty-one out of forty-six nominations rejected) was also ~~objected~~¹³² on the ground that the total number of rejections ~~were~~¹³³ 14 and withdrawals eleven only. But ~~Jyoti~~¹³³ Bhushan Dass Gupta pointed out that there were 13 rejections of PP nominations. The charges of unfair means and mass imprisonment of the people opposing National Conference were also ~~rejected~~^{denied}.

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128. "Elections to Jammu and Kashmir constituent Assembly" pamphlet issued by Information & Broadcasting Jammu and Kashmir Year unknown. P.7
129. Ibid. P.7
130. Ibid. p.7
131. Ibid. P.7
132. "Elections in Kashmir" The publication Division Ministry of Information and Broadcasting Government of India October 1947 P.5
133. Gupta Jyoti Bhushan Dass, "Jammu and Kashmir" ~~Martin~~^{op. cit.} Nijhoff/ The Hague P.186.

131(a) "A Plea To understand Preyer Parikh" (Issued by ~~published~~^{A pamphlet} Secretary All J&K P.I.P. Jammu. Year unknown)

in

134

on the ground that the jail inmates of Jammu and Kashmir ~~in~~
September, 1951 numbered 482. Whereas the total population was
three million. Out of the total jail inmates 155 were detainees
(14 from Kashmir and 14 from Jammu) connected with the
exigencies of war and the conditions created by the Cease
Fire Line. 37 were persons who infiltrated into the State to
create internal disorder and ~~incite~~ border raids; 31 were
persons arrested for ~~doing~~ espionage; ~~had illegally~~ attempted to cross over
to ~~this~~ ~~side of the border~~ cease fire line.
~~the border~~. Another 41 were indulging in illicit trade
with the enemy, ~~etc.~~; 22 were habitual offenders; remaining
14 detained for rumour ~~mongering~~. Out of 155, 87 were
from the Baramulla District. The remaining convicts and
under-trials fell under general criminal category like murder,
dacoity, theft and petty offences. While answering the alle-
gations that National Conference was unpopular and the people
were not interested in the elections, the leaders quoted the
figures and facts for the last 20 years and said that even
under the ~~inclement~~ conditions prevailing during the previous
autocratic rule, ^{The Sh. Abdullah Party had} captured successfully all the
Muslim seats thrown open to elections in the Legislature of
the time. As far back as 1934, when elections to the
Assembly were held community-wise, Muslim Conference under
Sheikh's leadership had the distinction of winning the 9
seats without contest. Again in 1938, when there ~~were~~ were fresh
elections, out of a total number of 21 Muslim seats,
the party ^{had} won 19 seats and lost two only on technical grounds.
In 1946 when National Conference boycotted elections and
called upon the Electorate to desist from participating in
them, not more than 8% of the Electorate actually polled
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135

134. "Elections to Jammu and Kashmir Constituent Assembly
a pamphlet issued by Ministry of Information and Broad-
casting Jammu and Kashmir Government Year unknown.
op.cit. P.5 - 6.
135. Ibid. P.2

their votes. The real secret of amazing success of National Conference was that the party and its candidates were most popular.

Its popularity can be imagined by the fact that it continued to maintain communal harmony in Kashmir when whole of the Northern India was in the flames of communal riots. Another best proof of its popularity was its return to power in all the subsequent elections some of which were even conducted under the super-

vision of Indian Election Commissioner. On the other hand the

National Conference leaders charged Paraja Rashtra Parishad for provoking riots on a large scale and disrupting the peace and tranquillity of the state so as to make the holding of elections impossible. The above mentioned allegations against National Conference ultimately led different writers to express doubts about the fairness of the elections of the Assembly Consembly.

Levelling allegations against one another is a very common practice followed specially by the defeated candidates and political parties in every general elections. Allegations do not always mean that elections are far from fair and free.

A statement issued to Press in 1951 by ---
137. Maulana Moh'd Sayeed, General Secretary All Jammu and Kashmir National Conference. Parja Parishad files Jan Sangh Head Office, Jammu.

136. Chagla, M.C.; "KASHMIR" 1947-65 publications Division Ministry of Information and Broadcasting Government of India, November, 1965 P.34.

138. i) Prem Nath Bazaz in "KASHMIR CHALLENGE AND RESPONSE" (A report laid by him as a Convener at the inaugural session of Jammu and Kashmir People's Convention held at Srinagar in October, 1968 P.5), Pointed out that the Elections to the Constituent Assembly were rigid and fraudulent.

ii) Ali Moh'd Naik President of All Jammu and Kashmir Plebiscite Front in "KASHMIR PROBLEM" True side of picture. (Rejinder of the Plebiscite Front President to Nehru's observations on Kashmir made during his Srinagar speech on July, 1961) expressed the same opinion and said "far from being Democratic process, these elections replete with instances of rigging and political manœuvre. Having been no more than a big farce."

iii) G.L.Koul in his book "KASHMIR THEN AND NOW" (Chronical published House Srinagar 1970. P.112 Foot note) pointed out "the elections admittedly were not free and fair, the resentment simply went under ground."

iv) Prof. Balraj Madhok in his book "KASHMIR CENTRE OF NEW ALIGNMENT". (Deepak Prakashan New Delhi 1963, P.123)

1 London Times - conservative organ of the British Tories
while commenting on the thundering success of the N.C.
candidates in the elections to the Kashmir e. A.
said, "Com pointed out "The docile Kashmiris have
followed the habit formed in centuries of oppression
of submitting to the will of those who have the
power." (Indian news chronicle. Delhi 10-9-51)

Even in India oppositions do always levy similar allegations.
 N.C. Chatterjee did point out number of serious impediments even
 in the way of fair and free general elections of 1952. One of
 the reasons of the National Conference's victory was that almost
 all its candidates in Kashmir Province were those who had played
 a major role in the freedom movement, jumped into freedom
 struggle right from their student life and ~~were~~^{had been} imprisoned a number
 of times. The people still remembered their devotion ~~xx~~
 sacrifices and their role at the time of tribal in-
 vasion. Thus it was not a surprise if no ~~opponent~~^{opposition} candidate
 could dare to contest. The only two independent candidates -
 one at (Habakadal Constituency)
 one at Srinagar and second at Baramulla, also refused to con-
 test at the end. The National Conference candidate in Ladakh
 was Mr. Kushak Bakula the Head Lama, and his opposition ^{to} at
 that time was out of imagination. In Jammu Province also
 National Conference gave ~~xx~~ mandates to those who were
 very active and made sacrifices in the freedom struggle for
 Kashmir. Out of 30 candidates - 15 had joined National
 Conference at the ~~earliest~~^{age} student life and ~~were~~^{had been} a number
 of times. Where such old workers were not available the pick
 and choose method applied. No doubt the Parja Parishad was
 the only effective opposition party in Jammu but it was not
 popular in all the areas. Even if the Parja Parishad would
 have contested the elections it would not have been able to
 capture all the 27 seats. The election results of two

138. expressed the similar opinion and said "Elections to the Constituent Assembly were held in 1951 but they were so conducted that most of the candidates of the Parja Parishad, the only opposition party in the State, were eliminated at the nominations stage by rejected ^{irregular} their nomination papers and the rest were forced to withdraw ~~from~~ for want of assurance that elections would be fair and free . . ."

139. Speech of Shri N.C. Chatterjee M.P. in the House of People on the ~~President's~~ President's address on 20th May, 1952. Published by the General Secretary All Hindu Mahasabha reading road, New Delhi-1 P.2-3.

140. Information supplied by living members of Constituent Assembly in reply of interview scheduled prepare by the Researcher ^{Ex-constituent}

ii) WHO'S WHO IN THE CONSTITUENT ASSEMBLY JAMMU & KASHMIR constituent Assembly WHO'S WHO = P.T.O.

- 1
141. Ghulam Mohied-Din-Handuri president district national conference of N.C at Baramulla Srinagar in his pamphlet "OUR CONSTITUENT ASSEMBLY" (Mujahid Manzil) Sept. 51, on p.6 pointed out that the rival candidate against me nominee had been himself 142. Information supplied by the living member of Constituent Assembly in reply to ^{the} interview schedule prepared by the Researchcar. himself with the organizational discipline.
- ii) ~~WHO'S~~ WHO OF THE CONSTITUENT ASSEMBLY
143. Statement issued by Pt. Prem Nath Dogra
- ii) RAKAJA "PARJA PARI SHAD STAND EXPLAINED". A pamphlet issued by Durga Dass Verma, General Secretary All Jammu and Kashmir Parja Parishad. Year unknown. p.8.
- iii) But Jyoti Bhushan in his book Jammu and Kashmir at p. 186 mentioned 15 seats (only)

and calling them patently wrong and unjust

Constituencies - Kahnchak and Akhnoor, is a proof of it. In both Constituencies the ~~opposing~~ candidates were independents but supported by Parija Parishad. Both these areas were prestigious constituencies and were a test of the strength and popularity of the parties. Each party put its full force to win. But both the results went in the favour of National Conference. One of the Foreign Papers, the ~~X~~ MANCHESTER GUARDIAN wrote,

"The Jammu Elections are a great and quite genuine victory for the National Conference".

It is equally wrong to conclude that the Parija Parishad if contested would have not secured even a single seat. The boycott of the other parties namely Kisan Mazdoor Conference, the Kashmir Democratic Union, the Kashmir Socialist party, the Muslim Conference and Akali Dal, was meaningless as none of these parties were so popular to contest and win. Sayeed Mir Qasim clearly pointed out that the wishes of the people ~~were~~ ascertained fully ^{by} during the elections for the Constituent Assembly. While rejecting all allegations levelled from different quarters, in and outside the state, the Jammu and Kashmir Government issued the following statement :-

"To sum up, this has been a perfectly normal election. In the Kashmir Valley, where the invasion threat was and is at its grimmest, the Kashmiris have made a joint front with the National Conference, regarding the basic ideals of brotherhood for which they are fighting as more important than mere surface differences. Those who have faced Hitler in the West, when the masses of the

144. "KASHMIR" M.C. Chagla's speech in the security Council . Publication Division, Ministry of Information and Broadcasting Delhi-6, 1964. P.16
- X 145. Satou, Jagan Nath; "BEHIND THE IRON CURTAIN IN KASHMIR". Democratic Union 30, Faiz Bazar, Delhi January, 1962. P.57. v p. cit.
- 146.

people uphold coalition governments against a common enemy, will understand why Jammu & Kashmir has been the National Conference has faced its natural enemies, those who fighting for a State dominated by one religion instead of the secular democratic ideal, which makes no distinction between man and man, and religion and religion. Since it is the most popular party, the most deeply-rooted in the life of the people, it was, in both these areas, bound to succeed.

(*) A political correspondent of the Statesman observed in his article "Today in Kashmir" some recent complaints relate to the elections making allowances for exaggeration. It is possible that party petty officials in outlandish parts of the state allowed themselves to be influenced or volunteered, out of misplaced enthusiasm, to overlook minor technical errors committed by a few National Conference candidates without extending similar generosity to the nominees of the P.P. However, it would be wrong to assume that such conduct had the senior leader's approval.

(*) Sheikh Abdullah was reported to have forecast long before the withdrawals that the P.P. would avoid an open fight.

146. Entitled "UNWANTED CHAMPIONS". Address to the United Nations General Assembly by Syed Mir Qasim. Publication Division, Ministry of Information and Broadcasting Government of India, 10 October, 1965. P. 38.

147. "ELECTIONS TO THE JAMMU AND KASHMIR CONSTITUENT ASSEMBLY. Issued by Ministry of Information and Broadcasting Jammu and Kashmir. Year unknown. P. 7-8

knowing the political advantages that accrue from a demonstration of injury through "majority tyranny" the Parliament had probably sound reasons for not countering it.

(The Statesman 14-11-1951)

Indian news chronicle in its editorial "Elections in Kashmir" observed that ignorance was pardonable if it is purely circumstantial. But where it was deliberately feigned it could become serious and mischievous, if not positively menacing. That was what might be true of the (latest) comment of the London Times on the thundering success of the N.C candidates in the elections to the Kashmir P.A. The Conservative organ of the British Tories pointed out "The docile Kashmiris have followed the habit, formed in centuries of oppression, of submitting to the will of those who have the power". The Editor said, "If we may be permitted to parody this statement from the Alien angle, it may be something as — the arrogant imperialists have followed the habit, formed during centuries of aggression, of dividing the will of those who have come under their power." If this mentality had not come to affect the British ruling intelligentsia this responsible news paper would have tried to exercise a certain amount of impartiality in pronouncing on the results of the Kashmir elections. Instead of dubbing the election as unfair, and the result "farical", it should have tried to study why it is that average Kashmiri is wholeheartedly in support of the Abdullah's regime. Had it done that, it would have been persuaded to account for the

result of the atrocities committed by pakistan-inspired raiders on the people of kashmir. It would also have had to take note of the rapid reforms which the new kashmir under Sheikh Abdullah has come to enjoy. Further, it would have had to take note of innate secularism of the Kashmiri Muslims who stood up to guard and defend their Hindu brethren after the raiders had reached within a few miles of the state capital."

(India News Chronicle (Delhi) 10-9-51)

Diwan chaman Lal, in a Broadcast, pointed out that the elections to the e.A were duly held under adult franchise and a vast democratic experiment was initiated for the first time in kashmir's history. Reference the victory of N.C, he added that.

"This victory has been hailed quite rightly as a victory for those who, opposed the two-nation theory for the elections have shown that nearly three million inhabitants who formed the present population of kashmir, are united in their rejection of religious fallacies, believe in Democracy and in a secular state and are anxious to align themselves with India where they can breathe the same air of Democracy in a welfare state."

(Diwan chaman Lal Broadcast on All India Radio Bombay on 1-11-1951)

Last

on top of the above observations from the press and others, which leave one in a relative uncertainty about the procedural complexon and the much wished for genuineness of the democratic character of the State Assembly elections, a recent categorical assertion by Mr. J. V. Narasimha Rao, Home Minister Mr. Charan Singh throws a significant light on the character of the state politics and election in retrospect: ".... that elections in the past in the state had not been free and fair and the persons in power had manipulated them by either getting nominations rejected or by committing irregularities in polling or in counting.... that as a result of these malpractices the aspirations of the people could not be reflected in the results of the elections...."

1. The Hindustan Times, New Delhi
June 20, 1977 p. 1.

S
STATEMENT OF PANDIT PIYUM NATH JI DOGRA PRESIDENT
ALL JAMMU AND KASHEMIR PRAJA PARISHAD JAMMU.

I am pained to say that all our forbearance has not yet changed the minds of our rulers. Rule of democracy has given way to the Law of Jungle and brute forces are active to curb the hard earned freedom of the poor masses. Oppression has been let loose causing great anxiety and I pause to think as to why all this is going on. Love ^{and} not oppression will induce people to come ~~to us~~ nearer.

The way off the Municipal Elections have been conducted in the Jammu city clearly shows that the present Government in the State does not believe in the progress of the democratic forces within its jurisdiction. With the set purpose in their mind to play foul with the people the Government appointed persons of their choice as Returning Officers who obliged their masters and did all what they could do for them. The applications of the Praja Parishad candidates were illegally rejected and novice interpretation was made for plain words to serve their purpose.

The second stage was the appointments of the Presiding Officers and the Polling Officers. In the case of this selection too the choice was left to the sweet will of the national conference candidates and in almost all the Constituencies their relatives and friends were appointed, inspite of our protests verbal and written no heed was paid, even this much was not agreed that these very Officers may be changed inter se in these thirteen wards. The Presiding Officers were not only helpers and their sympathisers but also were openly canvassing for the Candidates of that Constituency as they were also voter of the same Constituency.

At the time of inception of the polling in some cases the Praja Parishad Candidates themselves were sent out and in others sub-agents were not allowed

allowed to witness the proceedings. Neither the ballot papers were distributed according to the serial Nos nor candidates or their nominees were apprised of the number of the ballot paper issued. Inspite of the verbal and written application to the effect even the ^{'tick marked'} ~~struck off~~ number on the electoral rolls were not totalled to compare with the ballot papers distributed and it was done intentionally. The presiding officers in almost all the constituencies started with ballot papers hundred in numbers distributed to the supporters of the National Conference candidates to be put by them and in some cases even the presiding and polling offices themselves are guilty of throwing these papers. The time was extended by two hours, arbitrarily beyond the scheduled time and without the consent of the contesting parties to suit the convenience of the National Conference Candidates and during this period many irregularities have been committed.

The unauthorised presence of the General Secretary of the National Conference who happens to be the brother of the Prime Minister in all the booths and his conveying of the secret information to them after which the polling officers inspite of our objections made them selves sit in the place where the boxes were placed gave them a further opportunity to canvass and sometimes forcibly made the voter to vote for them.

The voters who intended to vote for Praja Parishad candidates were not allowed to enter the polling station and the ladies were specially made to return home without casting their votes because their voter number were snatched from them and torn off by the ballot clerks and the National Conference hired goondas. In some cases violence was also used to overawe them and to terrorise them.

The import of thousand of refugees of the camps with laties from places outside the limits of Jammu Municipal Council was made by the National Conference intentionally with a view to use them to overaw the people and for voting for the absentee voters and it was done successfully under the very instructions of the General Secretary National Conference who practically functioned as a presiding Officer in Ward No: 6 where even the contesting ^{Candidate} Praja Parishad ^{and his agents} ~~candidates~~ ^{were} beaten after which it became impossible ^{for him} to take part in elections.

All the Ministers unauthorisely entered all the polling stations and conveyed confidential instructions to the Presiding Officers to suit their candidates.

Tempering with counting was the naked violation of all canons of Justice for which the National Conference leaders strive to have undergone so many hardships. In case of ward No: 10 when counting was going on lights were intentionally put off to achieve their ends. Besides that the votes were not counted in the presence of the Candidates and their signatures were not obtained on the Counterfoil of the last vote polled. While on recounting the votes counted for Doctor Om Parkash Mengi were found to be 103 more than the previous provisional counting which were not done in the presence of the Candidates and votes of National Conference candidates were not recounted even on the request and protest of Dr. Om Parkash mengi the contending candidate.

of Praja Parishad leaders including universally respected leader of Jammu like Pandit Premnath Dogra have been imprisoned without trial, and warrants have been issued against a still larger number of persons. It is significant that the arrested persons and those against whom warrants have been issued include old ladies, lady professors, lawyers and men of high standing. Pandit Premnath Dogra is 70 years old and has been removed to a cold place like Shri Nagar, where it is learnt, he is suffering from Pneumonia and has been removed to hospital.

"There is virtually a reign of terror and we found that people were afraid of even meeting us for fear of being arrested. The C.I.D. officers were stationed in front of our residence and were ~~xxxx~~ shadowing us openly wherever we went.

THE PRAJA PARISHAD STAND:- I have made a very careful study of the Praja Parishad's movement in Jammu and I find that there is no occasion for any communal politics and there is nothing communal in their stand. The demands of the Parishad ~~if~~ are purely political. The Parishad stands for the complete integration of Jammu and Kashmir with the Indian Union. This strengthens the hands of the Union and the State Government in their stand with Pakistan on the issue of accession. In my opinion, Sheikh Abdullah's Government should have sought the Parishad's co-operation in the common object of bringing about accession of Jammu and Kashmir to the Indian Union. It is really unfortunate that the Kashmir Government is suppressing the very people who are eager to help it. I am also convinced that the activities of the Parishad are being conducted on constitutional lines and no subversive or disruptionist acts are being done by them.

APPEAL TO THE KASHMIR GOVERNMENT:- "I would therefore earnestly appeal to the Jammu and Kashmir Government to reorientate its policy with regard to the Parishad. The Parishad people are friends and not enemies of the State. Even accepting for the sake of argument that the demand of the Parishad for complete accession of the State to the Indian Union is against the declared policy of the National Conference, in the democratic order of things, the movement has to be given full scope so long as it is being carried on a peaceful and constitutional manner.

* I would also draw the attention of the Indian public and the Government to the state of affairs in Jammu and warn them that they should not take a complacent view of the situation. The Parishad (contd)

sitation ought not to be dismissed by dubbing it as the doings of mischievous communalists. Genuine discontent exists in Jammu and unless proper inquiries are made and the Government of India intervenes before it is too late, we would be harming the very cause that is dear to us.

" The method of improving the situation in Jammu is not repression and threats but taking the people of that territory into confidence and seeking their co-operation for the common good. For this purpose, it is absolutely necessary to release all the prisoners who are imprisoned without trial (those against whom there are specific charges may be tried in a court of law). Detention and extortment warrants issued against Praja Parishad workers should be withdrawn and complete civil liberties should be restored in the State.

Leveling serious charges against the Jammu & Kashmir Government of using the government machinery for party ends and behaving in a way, contrary to the principles of democracy, Pandit Prem Nath Dogra, President, All J & K Praja Parishad made the following statement in a press - conference held on 5th April 1956.

* * * * *

"Serious doubts have arisen in our minds regarding the attitude of the Jammu & Kashmir government concerning the Jammu civic elections. Contrary to principles of democracy the high government officials are working in favour of the ruling party - the National Conference. This can be proved before any impartial enquiry committee if appointed by the government.

Jammu & Kashmir government Information and Publicity department people have been engaged in arranging the National Conference public meetings. Custodian department employees are moving to every shop that is a custodian property. At the point of cancellation of their allotments the shopkeepers are being asked to vote for the National Conference candidates. Numerous high government officials of all departments including education, Sericulture, Forests and Drug Research Laboratory are openly working, canvassing and doing propaganda work for the ruling party. Big bosses have been asked to tell the staff working under them not to vote for the Praja Parishad candidates if they wanted to keep their jobs. Most of the processionists who took part in the procession organised only yesterday by the National Conference were government employees like Pandit Hari Ram Sharma, Director Food & Supplies, Shri Nand Lal Inspector of Schools, Shri Badri Bali Field Publicity Officer and Shri Madan Chopra Block Officer along with several others. Attempts are being made to create panic and restlessness in the city. Hired goondas are being imported from the rural areas. Such goondas heavily drunk were the main feature of the National Conference procession yesterday.

Pressure and influence at the governmental level is being used to coerce the Praja Parishad candidates to withdraw in favour of their National Conference rivals. A government contractor, who happens to be

a Praja Parishad candidate in this election has been threatened that if he did not withdraw, the payment of his bills will be delayed and it will be seen that after the close of the current financial year their payments are withheld permanently. A big government boss called the father of one of our candidates, who happens to work under him and asked him to see that his son withdraws in favour of the rival, National Conference candidate. When the poor man showed his inability to do that he was told that if the needful was not done in a specified period, he will also not only be dismissed but a criminal case will be fabricated against him. In another case a Deputy - Minister is involved in using similar pressure.

Presiding and polling officers have been appointed from amongst those, whose only qualification is that they are prepared to help the ruling party. There are instances when certain officers have been changed simply because that they were not prepared to the wishes of the autocratic democrats. A good many presiding officers are moving in the public, working for the National Conference. They have been fixed in such wards where their National Conference bosses hope of their being most useful - where people from their "brotheries" reside.

Nomination - papers of all the Praja Parishad candidates, from seats, where National Conference could see sure defeat for its candidates, have been rejected in toto on most flimsy grounds. Nomination - papers of Shri Durga Dass Verma were rejected on one seat while his papers with identical entries filed in another seat where he was a covering candidate were accepted by the same presiding officer. No amount of arguments could make him realise the contradiction of action being done thereby the papers of Shri Bachan Singh Panchi, a voter in the city, were rejected on the plea that he was not a resident of Jammu. He, along with the owner of the building where he resides and another respectable of the city the owner of a Jammu weekly 'Panthal Sawa' submitted affidavits to this effect. But the presiding officers was not to be convinced and nor was he prepared to entertain their affidavits. Messrs Yash Pall, Mehta Shiv Dass and Shri Jagdish Shastri got their papers rejected because the presiding - officers were not satisfied of their being educated upto "Middle". Strange enough that Yash Pall

had produced attested copies of his Matriculation as well as Rabhikar diplomas, Shri Shastri produced his Shastri degree and Shri Mehta Shiv Dass an affidavit that he was a middle. of course they were not educated as high as "Middle" Last Praja Parishad candidates whose papers have been rejected, file writ petitions in the court. They have not been supplied with copies of the rejection - decisions inspite of the fact that they have deposited the necessary deposits a week back.

Under the circumstances created by the unconstitutional high-handedness of the government the democratic traditions have been molested and such precedents have been set that will shake people's confidence in democracy itself, will affect the country for many years to come. Fair elections under such sad and deplorable state of affairs are not possible. Praja Parishad, however, inspite of all this will fight the elections with full might and hopes to emerge victorious with colours."

Gopal Am
Office Secretary.

Telegram

23-7-56

Dr Rajinderaprasad President India New-Delhi

Shri Nehru Premier " "

Shri Gobindballabh Pant Home-Minister New-Delhi

Shri Molana Azad Education Minister "

Shri N.C. Chatterji "

M.P. "

Shri H.V. Kamath "

M.P. "

Editor Pratap "

Hindustanstandard "

Editor Times "

Editor Tej "

Editor Sansar "

Editor Indina "

Editor Statesman "

Milap "

P.T.I. "

Premnath Dogra Janasangh "

Majority State people are anxiously want Indian Constitution
its entirety Stop Ruling party framing separate constitution
which excludes fundamental rights enjoyed by other Indians Stop
Supreme Court Election Commission Auditor General in India
Jurisdiction being denied Stop Provision declaring unlawful
organisations opposing State Constitution undemocratic and
enslaving people Stop Great resentment prevailing against
this separatist move Stop Pray intervene

General Secretary

Prajaparishad

N.T.T

23-7-56

(RAM NATH BALGOTRA)

General Secretary
J&K. Praja Parishad,
Jammu

Jammu,
August 2, 1956.

My dear Shri N.C.Chaterji,

Your letter dated 24th July 1956 reached me the other day. I am enclosing herewith the Statement of Pt. Prem Nath Ji Dogra & myself on the recent development in the Jammu & Kashmir State. This will sufficiently throw light on the burning topic of the day. The matter is very serious one and should be taken up by all the parties in India and I would most emphatically request you to please be kind enough to ~~surprise~~ the members of the Lok Sabha in the house ~~about~~ about the great danger that are likely ~~are~~ to take place in case of Kashmir Premier is allowed to implement his designs.

In case you require our presence there, please inform us telegraphically and the needful be done.

Yours sincerely,

Ram Nath Bhalgotra Advocate.

JAMMU & KASHMIR

JANUARY 27.4.57

The working Committee of Jammu and Kashmir Praja Parishad

जम्मू 2781- १९५८

My Dear Sir

In view of the special provisions proposed to be incorporated in the Jammu and Kashmir Constitution in order to maintain its distinctive character from other Indian States, thereby not only negativing the trumped accession with India but also depriving the State people of the Fundamental rights (Election Commissioner, Supreme Court Etc.) provided in the Indian Constitution, it has been decided to hold a special conference of Praja Parishad on 22, 23 & 24 September, 1956, to discuss and decide the line of action to be adopted to prevent the adoption of the Constitution in the said form and scope fraught with dangerous consequences and to have it amended so as to be in line with the Indian Constitution like other parts of the country.

You are, therefore, requested to make it convenient to participate in the conference and guide us at this critical hour of our national life and suggest all that we should do to fight the sepratist tendencies raising its ugly heads in this part of the country.

I think keeping in view the importance of the conference and the issue, you would kindly adjust your valuable time accordingly.

An early reply is solicited. The detailed programme of the conference will be conveyed after some days.

With best wishes,

Yours sincerely,
Prem Nath Dogra
(Prem Nath Dogra)
President,
Praja Parishad,
JAMMU.

This letter has been sent to the leaders of the different political parties i.e. Challenji, Kripalani, Ashok Mehta, D.P. Ghoshgama, Sayeed etc.

Jammu Kashmir Praja Parishad

जम्मू काश्मीर प्रजा परिषद्

(केन्द्रीय कार्यालय)

नं०.....

जम्मू १६५

My Dear Shri Chatterji,

Many thanks for your kind letter dated 26.8.56. The people here feel your participation in the conference of much value and they will be very much disappointed if you do not join. It is, therefore, requested that you would assign first importance to your participation in our conference going to be held on 22, 23, and 24 September, 1956, so that we may be benefited by your wise counsels. I hope that keeping in view the high hopes raised in us, you would kindly make it convenient to accede to our request.

I myself or some of my colleagues are thinking of visiting Delhi by the 5th or 6th of Sept., for having consultations with you and other friends regarding our future in the State, where the whole programme will be decided but in the meantime please convey us your acceptance so that necessary publicity could be given.

With best wishes,

Yours Sincerely,

(Prem Nath Dogra)

President,

J&K. Praja Parishad, Jammu

Shri N.C. Chatterji

M.P.

7-B Pusa Road,
New Delhi.

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Jammu Kashmir Praja Parishad

जम्मू काश्मीर प्रजा परिषद्

(केन्द्रीय कार्यालय)

जम्मू

१६५

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With best wishes,

Yours Sincerely,

(Prem Nath Dogra)

President,

J&K. Praja Parishad, Jamm

Shri N.C. Chatterji
M.P.
7-B Pusa Road,
New Delhi.

JAMMU: 27.4.57.

The working Committee of Jammu and Kashmir Praja Parishad was in session for the last three days, concluded its deliberations here last evening. Out of eighteen, sixteen members took part in the meeting. The working Committee thoroughly considered the alarming situation arising out of the high handedness and murder of democracy by the ruling clique in general elections in the State and also the reign of terror and vilification let loose by the Govt. officials on the people those who voted and worked for P.P. The Working Committee passed a Resolution (copy attached).

Inspite of all acts of heiligenism and vandalism perpetrated by the Government in other parts of the State. The working committee decided to contest all the remaining FIVE seats in Doda District.

The working Committee ^{further} explaining the part of P.P. manifesto dealing with THE UP LIFTING OF SCHEDULED CASTES, BACKWARD CLASSES AND OTHER WEAKER SECTIONS OF THE SOCIETY, resolved the following paragraph should be added to it :-

" AND THE WEAKER SECTION INCLUDING SIKHS, GUJARS, AND ALL THOSE WHO WERE UP ROOTED ON ACCOUNT OF PAKISTANI RAIDS ARE SCATTERED IN THE STATE. THE PRAJA PARISHAD STAND TO SAME GUARD THEIR INTERESTS ALONGWITH THE NATIONAL INTERESTS OF THE COUNTRY."

Publicity Secretary,
PRAJA PARISHAD, JAMMU.

The outlook and the attitude of the Government of Jammu & Kashmir and the machinery set up by it for conducting general elections in Jammu & Kashmir State has not changed even with the change of the circumstances and after the framing of the so called democratic constitution. In the previous elections to the Constituent Assembly we were forced to boycott because of the failure on the part of the Government of Jammu & Kashmir and that of the big leaders of India to ensure fair and impartial elections in the State. The illegal and improper rejection of 1951 has been adopted in a lesser measure during the recent elections but the spirit working at that time has been displayed in another form.

It was brought to the notice of the Election Commissioner in the very beginning that the programme chalked out for the conduct of the elections was a hasty one and that it would not ensure fair elections inspite of the assurances of the Prime Minister of the State. The provisional electoral rolls published by the Election Commissioner were defective and contained blank pages and in many cases the names of electors were not decipherable because the lists were prepared in a most hasty manner, and the time allowed for their correction was too short because of the far flung areas in the State where the contesting candidates could not go to check up the lists. In the case of 61 out of 75 constituencies it was rather impossible to penetrate throughout the constituencies because of the unusual and heavy rains and snowfalls this year during that period of 10 days. Even the corrected electoral rolls contained the same defects.

The delimitation of the constituencies though warranted under the constitution to be maintained as those existed in the last elections but this time they were changed and the whole shape of the constituencies was remodelled to suit the candidates set up by the National Conference Party. No delimitation committee was set up even though promised and even the opposing candidates were not consulted before the constituencies were delimited. This one sided show was extended to this limit for constituencies published in the Government Gazette of 8th February 1957 which was changed

After 3 days because some of them were found to be not suitable to the National Conference candidates.

The Government machinery was fully deputed for propagating in favour of National Conference candidates. The Returning Officers, Presiding Officers and the Polling Staff deputed were mostly those officers who were taking active part in the elections propaganda inspite of the fact that the complaints against them were lodged in writing before the authorities concerned.

The lists of the Presiding Officers and Polling stations were announced only three days before the day of polling and in some cases the polling stations were changed on the polling day without the intimation to the opposing candidates.

The election staff, returning Officers and Presiding Officers surpassed all limitations in committing irregularities on the day of polling and counting. Praja Parishad Agents were not allowed to seal the ballot boxes, check and seal the ballot papers and identity slips, accounts packets at many ~~places~~ polling stations. In cases where such seals were allowed to be put, they were not found in tact at the time of counting. In some places, the Agents were maltreated and turned out of the Polling Stations limits. The boxes were brought to places fixed for counting without allowing the representatives of candidates to accompany the boxes for the purposes of keeping a watch, although throughout India these facilities were provided.

In many cases, boxes were not kept in the safe custody ~~at~~ in the Government Treasury. They were kept at the residences of the Returning Officers for tampering purposes. The counting was delayed without reasons at many places. No heed was paid to the genuine objections raised by the Praja Parishad Agents regarding the tampering of boxes. Out of the eighteen constituencies contested by Praja Parishad repoll has been held at twelve places to advantage of National Conference candidates. The irregularities and illegalities are well reflected by these repolls, when these are compared with the polls throughout India where the repolls were at very few places only.

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BHARATIYA JANA SANGH
CENTRAL OFFICE

AJMERI GATE,
DELHI 13th Feb., 59.

Statement by Pt. Prem Nath Dogra, president, J & K Praja Parishad and member of the State Legislative Assembly given out at a press conference in New Delhi on 13-2-59.

The growing deterioration in the internal situation of Jammu and Kashmir State ~~which~~, if not improved in time, is bound to affect adversely the wider interest of India as a whole. The need for greater attention and speedy improvement in the situation has been made imperative by the recent developments in Pakistan, intensification of the Pakistani propanganda and preparations for sabotage and war from inside and ^{outside} this strategic part of India.

Eleven years have passed since Jammu and Kashmir State, which has been an intergral part of India, historically, geographically and culturally all through the ages, acceded to India according to the procedure laid down in the Mountbatten Plan. It was then hoped that the anomalies in the relationship of Jammu and Kashmir with the rest of India will be removed and its people, as citizens of India, will be given opportunity to turn a new leaf in their lives and live as equal citizens of India enjoying the rights and liberties guaranteed by the Constitution of India.

But these hopes and aspirations have remained unfulfilled so far. The Government of India has thought it fit to lay store more by a few individuals than by the people of the State as such. And these individuals, first Sheikh Abdullah and now Bakhshi Ghulam Mohammad, are more interested in keeping themselves in power by denying to the people their basic rights and liberties, than in developing a spirit of unity and equality in the people of the

State and their brethren in the rest of India. It is this desire to keep power in his own hands which motivated Sheikh Abdullah to insist upon a separate Constitution for the State which gave him and his Government special and unchallenged powers to ride rough shod over the basic rights, liberties and aspirations of the people to be one with the rest of India.

With the downfall of Sheikh Abdullah and rise of Bakshi Ghulam Mohammad to power hopes were raised once again that anomalies in the relationship of Jammu and Kashmir State with the rest of India will be removed once for all and that disabilities from which the people of the State were suffering because of the discrimination made against the State in the Constitution of India will be done away with. But we are pained to say that even though five years have passed since that change over, little has been done to remove that discrimination. Rather the situation has been worsened by the way the special powers enjoyed by the ruling junta in the State as a result of that discrimination are being exploited to suppress democratic opposition through organised lawlessness and political corruption to perpetuate its own power. The normal safeguards for the liberties of the people in a democratic state such as free and independent judiciary, free and fair elections and impartial and efficient administration have virtually ceased to exist in the State.

LAWLESSNESS:-

As a result of the absence of full jurisdiction of the Supreme Court of India over the State and corrupting influence of the ruling junta civil liberties of the people in the State have been severely curbed and organised goondajism for the suppression of real or supposed political

opponents of the ruling junta has been the order of the day. Not to speak of ordinary people even prominent people like Thakur Rajinder Singh M.L.A., Syed Mir Kasim M.L.A., Shri Ghulam Rasool Kar M.L.A., Shri Abdul Rehman and Sardar Bachan Singh Panchhi; both members of the Praja Parishad executive; and Shri Ghulam Mohammad Renzu ex-speaker of the State Assembly have been the victims of this lawlessness during the last two years. On the other hand proclaimed breakers of law have been allowed to go scot free and even criminal cases against such people have been withdrawn simply because they belonged to the ruling party. Naturally this has created a sense of insecurity among the people who are fast losing their faith in the administration.

RIGGED ELECTIONS.

Elections which are the ultimate and effective means of expressing a peoples feeling and demonstrating their power in a democratic state have been reduced to a farce in the State. Since the jurisdiction of the Election Commission of India does not extend to the State, the last elections to the State Assembly were conducted by an election officer appointed by the State Government in a most irresponsible and partial manner. The entire official machinery was mobilised to support the ruling party. Bundles of blank ballot papers were distributed among the workers of the ruling party in advance, and ballot boxes were tampered with. And when, as in the case of Reasi constituency, it was discovered that Praja Parishad candidate was leading by 2162 votes inspite of all these precautions, repolling was ordered in four polling Stations and things were so arranged that these four polling stations made up the lead of over 2000 votes but also gave the National Conference candidate a lead of about 500 votes. The way it was done can be well

understood by the details of the voting. At Tulibanna polling station it was shown that out of a total electorate of 1590, 1570 turned up to vote and out of them 1550 voted for National Conference. It was found on enquiry that of the 20 who did not turn up to vote 12 were dead and 8 were in jail. Is this not a miracle, when the entire polling area was hilly and the voters had to come from distances of six to seven miles to vote. Cancellation of the nomination papers of the opposition candidates on most flimsy grounds is a very general feature.

Twenty election petitions challenging the election of National Conference candidates from Jammu province have been filed but only one has been decided so far. Only one single member tribunal has been appointed to hear these petitions and he functions from Srinagar while all the petitions are from Jammu province. It is therefore, presumed that not a single petition will be decided till about the end of the present term of the State Assembly.

Not content with this kind of rigging of assembly elections, Bakhshi Ghulam Mohammad's party has begun to adopt similar methods in elections to the local bodies. Efforts are openly made to force the opposition candidates to withdraw from the contest, their proposers kidnapped, and man-handled. Shri Ganjer Singh, Praja Parishad candidate for Kathua Town Area Committee was forced to withdraw almost on the point of boyonet by the Deputy Commissioner of the district. What is worse, defeated National Conference candidates are declared elected, as happened at Bistnah. When the successful Praja Parishad candidate protested against this most glaring high handedness he was arrested and tortured in police lock up.

POLITICAL CORRUPTION AND
PARTISAN ADMINISTRATION.

To top all, political corruption and nepotism has been carried to the farthest limits. Contracts, route-permits and other kind of allurements are being used to win over the opposition people and reward the supporters of the ruling party. Funds allotted for Five Year Plan are being misused for party work and corrupt and inefficient but partisan officials are being given preference over honest and efficient officials. This has demoralised the services.

All this has been severely taxing the patience of the people whose faith in the administration and democratic remedies has been very much undermined. As a result discontent in the State is growing and the nationalist and patriotic forces are feeling frustrated. Enemy agents are taking full advantage of the situation by putting the whole blame on the Government of India which is represented as the power and sanction behind the rampant corruption, nepotism and lawlessness in the State.

It has therefore, become a matter of imperative importance and urgency that this state of affairs in the State is changed without any further delay. This demands that the existing discrimination against the people of the State inherent in section 370 of the Indian Constitution be removed and they be given the benefit of the rights and liberties guaranteed to the citizens of India by the Indian Constitution in full. Pending the full application of the Constitution of India to the State to bring it in line with other States of India without which real and emotional unity of the people of the State with their brethren of the re:

of India is unthinkable. It is proposed that the following immediate steps should be taken:-

1. Jurisdiction of the Supreme Court of India should be extended to the State in full and the conduct of elections there be brought under the control of Election Commission of India.
2. Since the State officials have lost all independence and integrity and have become demoralised senior staff for conducting elections should be deputed from India.
3. Elections to the local bodies so far held be scrapped and fresh elections ordered under the supervision of a high and impartial judicial officer.
4. People of the State be given the right to elect their representatives to the Lok Sabha directly and that elections must be conducted by the Election Commission of India.
5. The State officials promoted to I.A.S. and I.P.S. cadres be sent outside for gaining further experience and training and some experienced I.A.S. and I.P.S. officers holding independent views from other parts of the country be sent to the State to tone up the State administration.
6. An all party planning advisory committee including experts in the industry etc. should be set up to advise and guide the State in respect of schemes to be taken up and money to be spent for the plan purposes.

No.

Dated _____

1956

The Postmaster General,
Punjab Circle,
Ambala Cantt.

Sir,

I would like to draw your kind attention to the fact that our official and personal letters are not only being censored but also most important letters are being delayed together for so many days, and after ~~consuming~~ opening they are packed in such a bad way that it becomes rather difficult to open them safely, and more painful is that in some cases the letters are not reaching to addressees we do not know how they are disposed off.

So far as one knows the usual practice of censoring the letters of the political opponents during the foreign rule British rule was ~~merely~~ that the letters were censored but they were never destroyed or delayed as is happening now. Under our national Government this sort of practice amounts to dishonesty and breach of faith as post office is duly paid for the safe delivery and secrecy of the contents of the letters. But the way the letters are being dealt with clearly exhibits that the people are being made to realize that they are living in a democratic State in fact where the democracy is with a vengeance.

Most astonishing is that our letters from the Government of India are also censored and delayed. In proof of that I am sending herewith an envelope of the letter from the Private Secretary to the Minister for Home Affairs, Government of India, New-Delhi, which was written on 21st of August, 1956, and bears the ~~new~~ postal stamp mark of New Delhi dated 22.8.56 and was delivered to us in Jammu on 27.8.56, evening, while other other letters posted from New Delhi dated 22.8.56 and 23.8.56 were delivered here on 24.8.56. Similarly another specimen is that the Working Committee of Jammu and Kashmir Praja Parishad met in Jammu on August 8th and passed an important resolution on the proposed separate constitution for the State. A copy of the resolution was posted to an English Weekly the "ORGANISER" Delhi on 11.8.56. the envelope containing the letter which the said ~~new~~ Weekly received on August 20 bears the Jammu postal mark of 21 August 11. It bears six other date marks - 2 for August 16, 3 for August 17 and ONE FOR AUGUST 20 -- but no place mark of Delhi.

In this connection I would like to point out that on enquiring about this from local post office the only succinct answer is a broad smile or evasive remark.

So will you please let us know why our letters are dealt with in this undesirable manner and under what rules? An early reply is solicited so as to enable us to pursue the matter ~~in~~ the court of law or elsewhere to establish and defend our unquestioned right. Further

Yours ~~sincerely~~ Faithfully,
Sd.

Gopal Dass Sachar,
Office Secretary,
Central Office, J.M. Praja Parishad
Jammu.

Copy to Shri

The State Ministry of India have issued a statement of denial that "PARISHAD SATYAGRAHIS WERE NOT ATTACKED BY ANY MOB ON AUGUST 1953 WHILE TAKEN OUT FROM SRINAGAR JAIL?" is entirely sorrowful and astonishing in as much that the truth has been falsified; altogether.

The Parishad owes its duty to place the facts before the public again, that 157 Praja Parishad Satyagrahis were released from Srinagar Jail at 7 P.M. on 1 st August 1953 and packed in Passenger Buses at 9.20 P.M. were taken out from Jail. There was no police escort kept with them, while the Buses reached near Dal Gate, a pre-organised mob attacked them with stones ,bricks,aerated water bottles and acid bulbs , thereby aerioualy indlicting injuries on the Satyagrahis. Buses No: 425 and 431 were damaged and their panes were broken etc., Shri Janak singh of Samba ,Swami Chetna Nand ,Shri Shanti Sarup of Samba, Shri Paramram pf Samba, Bharati Mukand Lal of Smailpur Smail Pur and S.Tirath Singh of Samba were seriously injured and their injuries can still be seen.These Buses reached Jammu on the next day i.e. 2.8. 53 at 11. A.M. and public who was waiting for them in large number, seeing the condition of the injured and hearing about the attack were aroused and raised slogans,while Pandit Ji advised them not to do so ,saying " we are to observe the path of non violence taught by Gandhi Ji and they will have to repent ,one day for their own misdeeds and-

It is further to eweal fpr-y for the information of the public that the injured persons and acid burnt clothes are still with us and can be seen by any impartial observer to refute the wrong statement of denial by the Ministry of States. We have invited from the Government of India to inatitute an impartial inquiry kommission into such excesses and in this case again make same request to investigate into the matter and punish the culprits suitably.

1958

P_R_E_S_S

R_E_L_E_A_S_E

S_a_t_e_h_a_n_i (U_a_h _a_p_u_r)

Dated 15th November, 1958.

Initiation speech on the role of Praja Parishad in Kashmir Shri Balraj Madhok, Zonal Secretary All India Jana Sangh in the Praja Parishad Workers' Camp said that it goes to the credit of Praja Parishad that it saw through the separatist game of National Conference under Sheikh Abdullah at a time when other parties were putting blind faith in him. Its demand for one Flag, one President and one Constitution for the whole of India including Jammu & Kashmir State cuts at the root of so called Kashmir Problem. So long as this is not done Kashmir Problem will continue as a festering sore in the body politic of India. He urged upon the workers to extend the Praja Parishad activities to Kashmir Valley & Ladakh and expose the anti-national role of those in power who want to perpetuate distinctions between the state and the rest of India to the dis-advantage of the common people.

P_u_b_l_i_c_i_t_y

Praja Parishad.

S_e_c_r_e_t_a_r_y

Statement by Shree Ram Nath Bhalgotra Advocate General
Secretary All Jammu and Kashmir Praja Parishad.

One constitution one flag and one anthem, these three constitute a "Nation". We, Indians, living in the state firmly believe that for the sake of Unity and Integrity of the Nation, the above principle holds good and should not be deviated from at any cost.

The accession of the J&K State with the Indian Union being complete in all respects, it is but essential that the analogous contingencies should also follow simultaneously. After accession the State becomes an integral part of Bharat and hence the Indian Constitution should be applied in its entirety to the State. Any deviation from the principle encourages the separatist and fissiparous tendencies to cause disruption in the country. These forces are already active in the border areas of the country and the recognition of a separate constitution for the Kashmir State will tempt those forces to become more active and disturb the peace in the country.

It is also in the interest of the State and the people living therein that the Indian constitution should be applied in its entirety to the State. It besides other things ensures to the people living in India.

Justice: Social, Economic, and Political:
Liberty of thought expression belief faith and
Equality of Status and opportunity.

It least behoves to any faithful citizen living in India including Kashmir that he will deny any of those rights to the people living in any part of Bharat. We do not understand as to why those who talk of the States accession to India being hundred per cent complete still contemplate doubts and act upto enacting a separate constitution for the state. This will

lead to the loosening the ties of unification of Kashmir with Bharat.

In certain circles there is a tendency to dismiss the demand of the Praja Parishad as a problem for legalistic or academic dismissal and to ignore its human aspects, but

RESOLUTION ON KASHMIR

JATIU, 21-2-55

The Working Committee of Jammu and Kashmir Praja Parishad on the 19th and 20th of Feb. 1955, to consider the coming Nehru talks on Kashmir amongst other issues facing the country. After having reviewed the past history of the question in the light of the political and constitutional commitments of the Indian Government to the State and after having examined the situation in the State and the implementation of the Delhi Agreement. The Parishad resolved that

- 1- The accession of the Jammu and Kashmir State to India is final and irrevocable having the legal sanction of the Ruling Prince and of the people of the State. The question therefore, cannot be reopened without disregarding and dishonouring the wishes of the people of the State.
- 2- Such efforts at reopening the question are being made by international foreign powers who by creating uncertainty and disruption want to control the strategic areas of the State. The Parishad shall fight all such foreign interference and wants the Government of India not to become a victim to the foreign intrigue.
- 3- The pressing needs of the country are economic and industrial progress. Economic and industrial development alone will result in raising the living standard of the people and removing the increasing unemployment. But the Parishad is of the view that any money advanced to the state as in the past for such works will not result in proportionate benefit. This area, therefore, should also be brought under the Indian planning body. This is possible only if the Indian Constitution is applied to the State as to other parts of India. Praja Parishad has stood for this for the wider interests of the people and not for any party interests.
- 4- The accession of Jammu and Kashmir State being final and legally complete the areas occupied by Pakistan by force should now revert to it.

Publicity Secretary,
Praja Parishad.

Statement by Shri Om Prakash Mengi, General Secretary Jammu and Kashmir

Praja Parishad on 25-1-55

Recent denial of certain concrete promises made by Bakshi Gulam Mohd to Parishad Chief Pt. Prem Nath Dogra at the time of withdrawl of 1952-53 Satyagraha corroborated by the so called twelve ex-Parishadites needs exposure of certain other facts to enlighten the masses who are likely to be misled by the false propaganda of Kashmir Gooblites.

Bakshi Sahib, while securing the vote of confidence in his leadership by the Kashmir Constituent Assembly in its last session, announced that he had made no promise with Pt. Prem Nath at Dehli on the eve of withdrawal of the Parishad agitation. To the surprise of all, he has, at Samba National Conference meeting and at Dehli addressing the Press ~~Correspondents~~ Correspondents, openly admitted having given a word ~~to~~ ^{established} 1. to ratify the Kashmir accession with Bharat and 2. to ameliorate the economic condition of the people.

This confession contradicts his previous sayings and thus exposes the truth. I firmly believe that if he really means to follow the path of Truth and non violence laid down by the Father of the Nation Bapuji he would ~~abandon to~~ ^{desert} commit such Himalayan lies in future. Moreover he ~~can~~ cannot categorically state the talks held between him on behalf of the Government with Pt. Prem Nath Dogra. Shree Durga Dass Verma after his arrival at Dehli accompanied Pt. Prem Nath Ji to meet him again to elucidate and confirm the promises. It would be fitting that Shree Verma ~~was~~ was doubtful about their fulfillment and he vigorously expressed his feelings at the very face of Bakshi Sanib, as a result of which he swore by his only son and requested Shree Verma to confide in him. It was the sacred urge of patriotism pure and simple on the part of Parishad leader to have believed and withdrew the movement in the higher interest of the country.

The role of Parishad dissidents is easily understandable. Their selfish ends having not been served ~~they~~ thus feel frustrated and in ~~anger~~ anger have lost the ~~real~~ sense of responsibility. By corroborating Bakshi Gulam Mohammad they are trying to gather Government support whereas they have lost the real strength which lies in the masses. That seems to be the main reason for not having given out their names in the paper. If at all these ~~twelve~~ ex-general Council members exist ~~anywhere~~ anywhere they are exhibiting their short memory. They know that in Nov 53 the Parishad General Council unanimously ratified the decision of the withdrawal of the movement without a single doubt or objection.

In addition it is more regrettable to note that some Press Correspondents particularly of P.T.I~~A~~ are playing in the hands of the Government and have reported a fabricated statement from a local anti-Parishad paper.

Shri Bakshi Gulam Mohammad has also stated that he is unable to check Mr. Beg's mischievous outlivings which according to him are the result of our celebrating Demands Day, is again a hollow threat to Bharat ~~in~~ and betrays nothing but the Old Policies of Sheikh Abdullah of Kashmir and to defame the strongest patriotic organisation which has considered no sacrifice too great to become part and parcel of Bharat.

Om Prakash
General Secretary
Praja Parishad

Resolution:-

Even eleven years after the accession and repeated declarations about its finality and irrevocability there still exists a feeling of uncertainty about the ~~relation-~~^{oners} ship of Jammu & Kashmir State with the rest of India. There is something abnormal in the situation. This abnormality which is brought home even to a casual visitor by a number of obvious and unnatural distinctions such as permit system, ~~separate~~ ^{system} nomenclature and mode of appointment of the head of the State, separate citizenship camouflaged as permanent residentship, absence of full jurisdiction of Supreme Court and Election Commission of India and indirect election to Lok Sabha is defended in the name of special position accorded to Jammu and Kashmir State in the Constitution of India. These distinctions are being presented as safeguards for the political and economic well being of the people of the State.

But actually it is these distinctions which are keeping the Kashmir question as such alive and preventing the return of normalcy to the State. The ruling circles in Kashmir have developed a vested interest in this special position because it enables them to play havoc with democratic liberties of the people and to prolong their own spell of power.

No wonder, therefore, that their ambition to remain absolute ~~and~~^{arbiters} of the fate of the state is aroused and they tend to consolidate their own position by making light of their constitutional obligations towards the people of the State and India as a whole.

As a result, instead of arousing and strengthening national feelings in the minds of the people which can be the only effective and lasting safeguard against the ~~force~~^{scars} of disruption and separation ⁱⁿ they prefer to appeal to the selfishness of the people by offering special privileges and

benefits. Naturally selfish motives cannot be a substitute for an emotional sense of oneness born out of nationalism. What is worse corruption and nepotism ~~now~~ exercised in the distribution of these benefits is discrediting India alongwith the ruling circles in the State in the eyes of the common people.

The special position enjoyed by the state has thus become a curse instead of being a blessing for Jammu & Kashmir state. It tends to strengthen undemocratic and dictatorial trends in the Government and ~~separation~~ ^{sense of from} in the people. Both these trends are dangerous ~~both~~ for the State and ^{rest of} India. Anyone, therefore, who tries to defend and perpetuate these distinctions between Jammu & Kashmir and ~~India~~ the rest of India - be he Bakhshi Ghulam Mohammed or Pt. Nehru - is neither a friend of Jammu and Kashmir nor of India. He is, may be, unwittingly, sabotaging the ^{wider} interests of both including his own.

Praja Parishad and ~~other~~ ~~and~~ have been demanding the removal of these distinctions and full application of the Indian Constitution as a whole to the Jammu & Kashmir State from their very inception. We are convinced that so long as ~~this~~ special position lasts we cannot get ~~out~~ out of Kashmir question and so long as Kashmir question exists normal democratic life cannot return to this State. Our demand for one constitution, one flag and one President for the whole of India including Jammu and Kashmir state is not a sentimental cry. It is the Corner Stone of ~~our~~ Indian unity. Without it Kashmir will continue to be a festering sore bedevilling the lives of the people of the State by perpetuating a sense of uncertainty in their minds.

~~It is gratifying that some erstwhile ardent supporters of this special position have also been forced by realities of their new situation to raise their voice in support of extension of the jurisdiction of the Election Commission and Supreme Court to the state. They now realize~~

1955

Shri G.L.Dogra, Finance Minister, Jammu and Kashmir (President Jammu Provincial National Conference) has issued a statement refuting the allegations and charges made by Pandit Prem Nath Dogra in his inaugural address to the third annual session of the Bharatiya Jana Sangh at Jodhpur.

Welcoming constructive criticism of the Government's policies and achievements, Shri G.L.Dogra, however, regrets that facts about the achievements of the Bakhshi Government have been either suppressed or distorted by the Jana Sangh leader, thus tending to give an absolutely incorrect picture about the conditions prevailing in the State.

"Shri Dogra adds:-

The people of the State have not yet recovered completely from the shock of the crisis that faced it in August 1953, which threatened its very existence. Any attempts to raise unfounded controversies over issues that have now been settled are bound to confuse public opinion over again and do incalculable harm to the cause of the country. As a matter of fact the Pakistan press and radio have fully exploited the statements of the Jana Sangh President which serve as grist to the mischievous propaganda machine of Pakistan.

It is absolutely incorrect to say that the accession of the State of Jammu and Kashmir is incomplete. The accession is complete in law and fact. The State Constituent Assembly has set its irrevocable seal of confirmation on this fact. So have the people and the Government of India. The Delhi Agreement, which at one time formed the main plank of Pandit Prem Nath Dogra's agitation in the State has been implemented in full and the Indian Constitution applies to the State, which is an integral part of the Union. The special position that the State enjoys has, while preserving the benefits that they already enjoyed granted to the people of Jammu and Kashmir all other benefits, advantages and rights that the Indian Constitution provides for.

Under the constitutional relationship established with India, the Supreme Court is the highest judicial appellate authority in the State in respect of all civil and criminal cases. The people of the State have only the right to frame the judicial set-up as they choose. Similarly, they have the right to apply whatever checks and controls they like for the regulation of the expenditure of public money. Hindi has been accepted as the language of the Union of which the State is as good a part as any other. The statement that Hindi is being treated as a foreign..

as a foreign language in the State is absolutely false. As a matter of fact, there has been no change in the policy in respect of the use of languages in the State from what it was before. Students in educational institutions are free to take up Urdu or Hindi at their own sweet will; and plans are afoot to devise measures for the development of regional languages such as Dogri, Kashmiri and Ladakhi.

*1. ratification
immediately*

It is absurd to suggest that the only purpose of the State Constituent Assembly was the ratification of the State's accession with India. It is significant that for a considerable time in the past, Pandit Prem Nath Dogra refused to recognize the Assembly at all. But, curiously enough today, on the one hand he approves of its decision about the State's accession and on the other, he cries that accession is not complete. A decision about the accession was never declared to be the only task before the Constituent Assembly. The Assembly has been called to frame a Constitution for the State. The Constituent Assembly is now busy deliberating on the remaining issues, which include, for instance, the form of the State Government, functions, duties and liabilities of Sadar-i-Riyasat, Legislature, Judiciary, definition of permanent residents, public service commission, regional or provincial autonomy, etc., which fall within the jurisdiction of the State itself. With the establishment of normal conditions in the State, it is expected that the State Constitution in its final shape will have been evolved within about a year. But strangely enough Pt. Dogra, through his utterances seeks to disturb the peaceful conditions in the State and thus add to the spell of uncertainty.

Pandit Prem Nath Dogra's clamour for substitution of the present Government by an "efficient and democratic administration" probably reflects his desire for a reversal to the old order of things or of complete merger of the State with India. The people of the State have always opposed both these positions and they shall always give a tough fight against any attempts at the establishment of either. As for fresh elections, we shall have them soon after the Constituent Assembly has completed its tasks.

It is very cheap to level the vague charges of "corruption and nepotism". The Government have already set up a high power Tribunal under the Jammu and Kashmir Government Servants (Prevention of corruption) Act, 2011, with a judge of the State High Court as its chairman. Brigadier Ghansara Singh is one of the members of the

tribunal....

Tribunal. Pandit Prem Nath Dogra, or , for the matter of that , any person is free to refer any specific complaints of corruption to that Tribunal. Recruitment to superior services is now being made by a Board comprising high ranking persons of varied experience; and as already stated we shall be having an appropriate Public Service Commission when the remaining parts of the State's Constitution are complete. The statement that merit is being ignored in the matter of appointments is not correct. Consistently with the policy of giving a balanced and fair representation to all communities and regions of the State, the Government is very keen to maintain the morale and efficiency of the services.

As to the allegation that refugees from Pakistan-held areas of the State are being discriminated against on communal lines, suffice it to say that most of the refugees are non-Muslims. Thus Pt. Dogra's statement is self-contradictory. The Jammu and Kashmir Government are wedded to the ideals of secularism . They look on the rehabilitation problem as a human problem and would be loath to think in terms of Hindus and Muslims in this respect.

The promises and pledges made by the present Government on the assumption of power on the 9th of August, 1953, are well known to the people. They also know the record of its achievements , which are too glaring to shatter the vague charge of " deterioration" in the administration. To the charge of unemployment, we do, however, plead guilty. We have been doing and shall continue to do that is possible to provide employment to all and sundry. It is precisely for this purpose we have provided a guarantee in the Indian Constitution for the safeguard of the rights of the people of the State for any jobs that the State may be able to provide. We shall be grateful if Pandit Prem Nath Dogra came forth with any practicable concrete solutions.

Again, Pandit Prem Nath Dogra has accused in one breath the Government of communism and communalism . It may once again be made clear that there is perfect harmony in the policies and ideals of the leaders of the Government.

Any suggestion about the State being driven into the sphere of cold war between the two world power-blocs is highly dangerous . The people of the State have only recently experienced dangers of foreign intervention . I do not know whether Pt. Dogra is aware of the implication of his statements about the foreign policy...

policy of India. It, however, becomes clear that his approach lends support to those foreign influences which seek to destroy the unity of the State and her association with India."

Jammu, January 8, 1955

7-8-58

Th. Sardar Singh on 7.8.1958 in the Legislative Assembly.

Those people who have true concept of their country know that there is always one nation, one Government and one Constitution for the entire country. There is one President also. This constitution includes one Election Commissioner and one Supreme Court as well. I am confident ^{only} that those people who have no true concept of nationality, still oppose this resolution wherein it is sought that the jurisdiction of Election Commissioner of India be extended to the Jammu and Kashmir State. We are integral part of India and we want to remain as such, as other States in India live. In those States, the Election Commissioner of India has got the jurisdiction. It, therefore, becomes very necessary that this jurisdiction be extended to this State as well.....

.....experience has proved that those who ~~revert~~ ^{wield} power in the State think that in case the jurisdiction of the Election Commissioner of India is extended to the state of Jammu and Kashmir, they will not be able to ~~retain~~ ^{in the Ruling party} ~~maintain~~ ^{only} their chairs. I will not refer to the high-handedness, illegality and irregularity in the previous elections and everybody knows that ~~unless~~ and so far the jurisdiction of the Election Commissioner of India is not extended to this State, ~~they are quite safe~~ and they know that otherwise they will be unsafe ~~and no more in the field~~.

The above mentioned speeches of the representatives of the Praja Parishad and the Democratic National Conference in the State Legislature reveal that the demand of the people at the present juncture is the extension of the jurisdiction of the Election Commissioner of India in the State and also that of the remaining provisions relating to the jurisdiction of Supreme Court is gaining ground. The defence that has been put by the leaders of the National Conference and the ~~statement~~ ^{brochure} that has been published on behalf of L. Dina Nath ~~Gupta~~ and Mohammad Ayub Khan, is besides the facts ^{which} and will be abundantly proved in the following ~~few lines~~ ^{pages}.

Pt. Prem Nath Dogra, in the Legislative Assembly on 12.8.58

Referring to the resolution moved by Shri Ram Piara Saraf of the Democratic National Conference in the Jammu and Kashmir Legislative Assembly, Pt. Prem Nath Dogra said, "House must know that ~~this~~ ^{the} ~~is~~ ^{one} organisation in the State that had been clamouring for the extension of the jurisdiction of Election Commissioner of India in the State. At the very outset when Article 370 was enacted in the Indian Constitution, I felt suspicious that such circumstances will be created in the Jammu and Kashmir State whereby the Government will usurp the right of the people ~~of the state~~ and we agitated that the state ^{therefore} ~~should be given~~ ^{is} an integral part of India; The Indian Constitution should be applied to it like other States in India, because at the time of framing of the Constitution for the rest of India, the State was also represented in the Constituent Assembly ^{representatives} and they put their signatures on it and spoke high about it. But instead ⁱⁿ spite of the fact that our voice should have been duly considered, we were tortured and false ^{and} ~~allegations~~ were put against us but we have ^{staad} fast on ^{own} ~~during the turmoil and dark days of oppression~~ our strength and our demand continued and we are right to ^{say} that those people who joined in chorus with ~~these~~ ^{others} who wanted a separate Constitution for the State are feeling that it was wrong. They have also felt that there are defects in it. They also want to introduce change in the Constitution of the State and they are being chided by the Ruling Party and are ^{being} ridiculed with the remarks that they have been giving up their ideology. But I dare to say that they had not given up their ideology, ~~but~~ ^{and} they have also become realistic. I would appeal to the Ruling Party to understand ^{our} view-point because it is based on facts. I would submit for the information of all that the Elections in the year 1951 in the State were not free and it is quite known to everybody as to what actually happened during those elections. I do not want

to repeat those woeful tales because the high-handedness
has continued even during the elections/^{of 1957} that have been
conducted after framing of the Constitution. I have
demanded to set up the judicial enquiry committee to look
into the malpractices used by the Government, but the
Government have dared not to appoint it. If they had
done so, the true facts have come to the House and would
have made it crystal clear that it is in the interest of
the people of the State that the jurisdiction of the
Election Commissioner of India be extended to ~~the Jammu~~
~~and Kashmir State~~ and it would have also exposed 'the
fair elections' that are declared to have been conducted
in the State.....

.....when this fact is admitted that the State is
an integral part of India and it is also/admitted fact
that the Election Commissioner of India had gained a
great fame throughout the world, there is no reason why
his jurisdiction be not extended to the Jammu and Kashmir
State and as to why the people of the state/deprived of
his protection. But it is a matter of great surprise that
for this simple problem a great wordy warfare has ensued
in the House which was not the need of the day. The
House must be remembering that once in this very House,
I retrited my demand for the extension of the Election
Commissioner of India and also Article 136 of the
Constitution of India regarding the extension of the
jurisdiction of the Supreme Court and also the direct
elections to the Lok Sabha by the people in the state.
At that time, the leader of the House, Bakhshi Ghulam
Mohammad, had partly agreed/khat this demand and he
said that after a lapse of sometime this will be
adopted. About the Election Commissioner, he said that
at present the time is for the appointment of the
Tribunal and therefore the whole problem will be upset

and later with a resolution this demand of the Election Commissioner of India will be passed in the Assembly. But I am surprised to find different chirping on the other side and it is being said that there is a compromise between the Democratic National Conference and Praja Parishad and a few purchased papers are being utilised to propagate against us. At times these papers are made to write that the Praja Parishad has joined the National Conference and in this way the true facts are being suppressed and the Party-in-power is giving a display of its narrow-mindedness.

Statement issued by Pandit Prem Nath Dogra, President All Jammu & Kashmir Praja Parishad on 15th April, 1951.

Ever since Pandit Jawahar Lal Nehru recently spoke at Jammu, Sheikh Mohammad Abdullah has been making speeches which are offensive, provocative and devoid of truth. These are intended to paint the Praja Parishad as a communal body. The Praja Parishad has a policy more nationalistic in outlook than that which is being followed by other National Organizations. The 10th March 1951 Resolution of the Praja Parishad and the demands since published by it clearly show its aims, policy and programme. There is absolutely nothing communal therein. The charge of communalism is belied by the past history and antecedents of the Praja Parishad.

The Praja Parishad has made it clear that it stands for accession to India, the immediate application of the Constitution of India to the State of Jammu and Kashmir and the convocation of the Elected Legislature. In accordance with the provisions of the Indian Constitution and in order to ensure the territorial integrity of the State, the continuance of Maharaja Jammu & Kashmir [i. e. the person recognised as such by the President of Indian Republic under the Indian Constitution] as the Constitutional Ruler is a political necessity.

Healthy democracy postulates freedom to advocate opinions bonafide held even though differing from those of the party in power and opportunity to persuade by all legitimate and peaceful methods the majority of the electorate to accept such opinion as correct. Sheikh Mohammad Abdullah and his followers are, however, out to suppress and silence all opposition, even though such conduct violates all approved democratic principles and practices and runs counter to Mahatma Gandhi Jee's teachings.

At a time when the Government of India are facing tremendous difficulties in the U. N. O. and on the international front in tackling the problem, all well wishers of the State expect them to restrain Sheikh Mohammed Abdullah and his party from making personal attacks and indulging in baseless recriminations.

My appeal to the people of the State is to remain calm and patient inspite of such provocative speeches and avoid undignified behaviour and irresponsible expression of resentment in view of the critical situation facing the State, its people and the Government of India. They should know that they are their own masters and that nothing said or done in the Security Council or Pakistan can bind them unless it is acceptable to them provided they display courage, strength, unity and statesmanship at this critical period of their history.

(Sd.) **PREM NATH DOGRA,**
President
ALL JAMMU & KASHMIR PRAJA PARISHAD,
J A M M U .

1953

The Editor,
Times of India,
Dehli.

Dear Sir,

Sheikh Abdulla Chief Minister Kashmir is reported in your newspaper of April 4, to have said in the Kashmir Assembly on 3rd April ' I ~~were~~ consider myself an extremely frustrated person, because I am seeing before my very eyes all my ambitions dashed to the ground. People for whom I work hard do not seem to understand me.' Such kind of frustration is not unnatural in the case of die-hard dictators like Sheikh Abdulla who have no respect for democracy and who do not tolerate any opposition howsoever mild it may be. The latest proceedings of the unrepresentative Kashmir Assembly where some of his party members strongly criticised his government and charged it of maladministration and corruption have created such sense in him. Since Sheikh Abdulla has during the last five years pursued a policy of hatred against the people of the state in general and that of Jammu Province in particular and of the state, there is nothing uncommon that he should realize that the people of the state are fed up of his maladministration and blood thirsty corrupt government and they do not like to co-operate with him. His zeal to have a separate status for himself different from the rest of the units of Bharat is also the cause to bring home frustration to the people of the state denied of all basic fundamental human rights are to go astray from him because he does not allow them to enjoy the same fundamental rights as other Indian are enjoying. He knows that when if those rights are applied a stage is likely to come when his lawless laws will be condemned and held null and void. Because he wants to rule not and to serve the people therefore such frustration has come to him at a time when the Indian Tax Payer has realized and is criticising his ulterior motives.

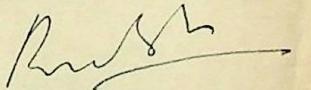
Dictators who are wrong in policies pursued by them but

sake of false prestige are not ready to change according to the times have to realise the same hard facts and realities which Sheikh Abdulla is realising now.

I there-fore submit that it is most opportune that Sheikh Abdulla should see reason and shake off the false prestige and not stand in the way of the people of the state to enjoy the fundamental rights as envisaged in the Indian Constitution and for their protection have the ~~protection of the Supreme Court of India over the State in all matters.~~ ^{jurisdiction}

He should furthur try to adjust himself according to changing times and ~~avoid disastrous~~ ^{his and} /the fate of dictators/ and try to respect the Tri-colour Indian National as the only Flag of India including Kashmir. This will maintain the unit integrity and solidarity of Bharat. This experiment when operated is sure to remove all sorts of frustration from his mind.

Yours Faithfully,


R. N. Bhalgotra
Publicity Secretar

Camp Gwalior
April 4, 1953.

XXXXX

The Editor
Times of India,
Dehli.

Dear Sir,

against Morarji Desai's arbitrary highhandedness in taking action
Times of India has ridiculed him and exposed him as diehard dictator
who would not tolerate any criticism howsoever genuine it may
be. For the healthy growth of newly born/Republic in India the
Congress Lords ought to ^{have} be fair to all sections of people living in
India. But the action taken by Morarji Desai shows that they cannot
tolerate
any criticism at all. It is feared if in such circumstances this
Democracy will develop at all.

Yours Faithfully,

RNN

RAM NATH BHALGOTRA
ADVOCATE,
PUBLICITY SECRETARY.

have, from

Proclamation.

Whereas I have decided for reasons of health to leave the State for a temporary period and to entrust to the Yuvraj Shree Karan Singhji Bahadur for that period all my powers and functions in regard to the Government of the State.

Now, therefore, I hereby direct and declare that all powers and functions, whether legislative, executive, or judicial which are exercisable by me in relation to the state and its Government, including in particular my right and prerogative of issuing Proclamations, Orders and Ordinances, of remitting, commuting or reducing sentences, and of pardoning offenders shall during the period of my absence from the state be exercisable by the Yuvraj Shree Karan Singhji Bahadur.

June 20, 1949

Sd. HARISINGH
MAHARAJADHIRAJ.

In accordance with the traditions of my dynasty I have, from time to time, provided for increasing association of my people with the administration of the State with the object of realising of the goal of full responsible government at as early a date as possible and in pursuance of that object have, by the Jammu and Kashmir Constitution Act of 1996 (XIV of 1996) established a constitutional Government with a Council of Ministers, a legislature with a majority of elected members and an Independent Judiciary;

I have noted with gratification and pride the progress so far made and the legitimate desire of my people for the immediate constitution based on adult franchise with a hereditary Ruler from ~~my~~ my dynasty as the constitutional head of an Executive responsible to the legislature;

I have already appointed the popular leader of my people Sheikh Mohammad Abdulla as the head of the Emergency Administration;

It is now my desire to replace the Emergency Administration by a popular Interim Government and to provide for its power, duties, and functions, pending the framing of the fully democratic constitution ;

I accordingly HEREBY ORDAIN AS FOLLOWS :

shall consist of the Prime Minister

1. My Council of Ministers/and such other ministers as may be appointed on the advice of the Prime Minister. I have by royal warrant appointed Sheikh Mohammad Abdulla as the Prime Minister with effect from the 1st day of March 1948.

2. The Prime Minister and other ministers shall function as a Cabinet and act on the principle of joint responsibility. A Dewan appointed by me shall also be a member of the Cabinet.

3. I take this opportunity of giving once again a solemn assurance that all sections of my people will have opportunities of service, both civil and military, solely on the basis of their merits and irrespective of creed and community.

4. My Council of ministers shall take appropriate steps, to soon as restoration of normal conditions has been completed to convene a National Assembly by

ene a National Assembly based upon adult suffrage, having due regard to, the principle that the number of representatives from a voting area should, as far as practicable, be proportionate to the population of that area.

5. The Constitution to be framed by the National Assembly shall provide adequate safeguards for the minorities and contain appropriate provisions guaranteeing freedom of conscience, freedom of speech and freedom of assembly.

6. The National Assembly shall, as soon as the work of framing the new constitution is completed submit it through the Council of Ministers for my acceptance.

7. In conclusion I repeat the hope that the formation of a ~~populatixm~~ Interim Government and the inauguration, in the near future, of a fully democratic constitution will ensure the contentment , & happiness and the moral and material advancement of my beloved people.

March 5 , 1948 .

Camp Bombay,
25th March 1953.

Editor
Hindustan Standard
Dehli.

Dear Sir,

Mir Mushtaq Ahmad M.L.A. Dehli's letter published in your paper dated 24th March 53 has condemned the Praja Parishad agitation in Jammu and its off shots of India as " Ill-advised, misleading, and calculated to destroy the secular character of the Indian State and would if not countered result in the disintegration of the country and would perpetuate an atmosphere of disorder, disorder and discontent ". The whole analysis of his letter would show that there is absolutely no argument in his contention. How he has arrived at such conclusion is without basis. Is the demand of Praja Parishad to apply Indian Constitution to the Jammu and Kashmir State a blow to the Secular Character of India ? Will the hoisting of the Indian National Flag and the extention of the Jurisdiction of the Supreme Court of India ' destroy the secular character of the Indian State ' or in any way will ' perpetuate an atmosphere of discord, discord, and discontent ' . It is with a view to remove such conditions which are prevalent prevelant in the character that this agitation was started. It was with a view to remove discrimination between citizens of the same countrythat this war of ideology is being fought. Will Mir Mushtaq Ahmad tolerate a citizen of India without any such right to a citizen of India to become citizen of Kashmir ? Will the existence of such condition not create an atmosphere of ' discord and discontentment ' . Again does Mir Mushtaq contribute to the disintegration of the Central authority? Will not the discrimination of the residuary power to remain in the unit of Kashmir create a similar zeal among other units of Bharat? And moreover will not the way the Jurisdiction of the Supreme Court is denied to the people of the State create a spirit of discontentment among them.

His allegation that the present agitation is inspired by vested interest is also not well founded. The economic grievances of

strength.

The past experience during elections in the State has confirmed our belief that for the people of the State fair elections are not possible. The insistence of the Prime Minister of the State to have separate Election Commissioner for this State is against the national wishes of the people of having one united India and having free elections throughout the country, under the same electioneering agency.

The wholesale rejection of nomination ~~and~~ papers of the leading candidates opposing National Conference candidates and the illegalities and irregularities such as wrongful rejection of the nomination papers of candidates Opposing National Conference candidates , issuing of sealed ballot papers before polls to their people to be cast; official and Ministerial interference and threats of various kinds done during the last civic elections in the capital cities of the State have proved that the Government cannot face free elections.

Moreover the people of the State have been deprived to elect their proper representatives to the legislature is the reservation of seats for certain communities, in constituencies where the position of the ruling party is very weak. The Praja Parishad is not against the reservation of seats for scheduled classes in constituencies where their number is very great but it demands that other communities should also have a right to elect their own representative, and therefore emphasises necessity of creating double member constituencies.

To avoid undue interference, to have fair elections in future and to give right to the citizens to elect their true representatives, this Session of Praja Parishad resolves that the election of the State Assembly should be held under the direct control ~~and~~ supervision of the Election Commissioner of India, simultaneously throughout the State to ensure fairness in elections.

- 2) That there should be double member constituencies in the reserved constituencies and the two provinces be given proportional representation on the basis of population strength.

- 3) That the people of the State should have a right to send their representatives in the Lok Sabha under Direct Mandate system in their own present nomination and for this sake the State Legislature should move the Parliament of India to make necessary amendment in Article 31 of the Constitution of India as applied to the State and restore the original Article 31.
- 4) That the Ministry should be dissolved at least one month before the elections.

the people of the State have been admitted by the Prime Minister of India. How and when have they arisen is a matter of fact which must be understood by Mir Mushtaq before making such unsound and baseless allegation.

I would remind him the articles previously written by Mir M.
Mushtaq last year and published in 'Tej' and request him to compare
and contrast his present his present letter for himself and try to
see the devistion he has made.

Yours faithfully,

R. N. Bhalgotra
Advocate

Publicity Secretary.

1958
Dated 18-12-1958

Pt. Jawahar Lal Nehru,
Hon'ble Prime Minister,
Government of India,
New Delhi.

Sir,

We believe that your honour very well knows the conditions in the Jammu & Kashmir State and as to how the elections are conducted in this part of India. If the opposite party wins the elections the Government adopts such measures as to undo its effect. It is not a case only during the Assembly elections but also in the Local Bodies and Panchayats that the Government and its officials take such steps that no body may dare to stand against the party in power. In the year 1954 elections in the majority of the Town Area Committees were won by Praja Parishad. This was not tolerable to the Government who took it upon itself to adopt such measures as to undo what a loyal and pro Indian organisation had won by its efforts. The first onslaught of the Government was in the dismissal of Shri Jawala Parkash Vakil Hiranagar from the Chairmanship of the T.A.C.Hiranagar. There was absolutely no charge and his dismissal was motivated with a malefide intention. The second casualty was the suspension of the T.A.C.Kathua, Basohli and later Bishnah. No charge was levied and no explanation was sought. The committees were dissolved simply because they were dominated by Praja Parishad, and though the chairmen were highly educated but this fact was not looked with favour and the result was as indicated above. This incident was repeated in few other committees till at last the turn of these committees came to an end and elections for the Town area committees in the State were declared to be held in last May and June 1958. But since as it would appear later the Government had no set plan to make force ~~the~~ of these elections they postponed them for such period as to create grounds for winning the elections. The new experiment adopted by the Government quarters at Ramban, Arnia Town Area Committees was uniform.

The opposition candidates were coerced and pressure was brought upon them to withdraw in favour of the party in

power. Applications were illegally rejected and false voters were polled to defeat the opposition candidates. Election petitions filed even four months ago have not been heard so far and no judge has been appointed to conduct these petitions. Another strange drama of farce elections has been staged in Bishnah and Kathua T.A.C.elections. The unqualified under Matric Revenue Officers were appointed as Returning Officers who could not appreciate the ruling of the Supreme Court of India. Not only that the Deputy Commissioner Mr. Bharat Bhushan who has recently been selected in the I.A.S.Cadre went to Bishnah within its jurisdiction and asked Mr.Ved Paul to run away because he was a proposer of Praja Parishad candidate his own brother. The District Magistrate was at once confronted and he left the station the day following. The under matric ~~Main~~ Naib Tehsildar who has been especially promoted from the post of a Patwari and exempted to appear in the departmental examination came to the rescue of the National conference candidates. The applications were rejected on flimsy grounds. If any independent judge is appointed to scrutinise these orders of the Returning Officer he must come to the conclusion that the orders are nothing but fantastic/nonsense. Similar things were repeated at Kathua.

At Bishnah polling the entire machinery of the Govt. was harassing the voters and distributing wine and money amongst them. Hired goondas were brought in the Town to terrorise the voters. Candidates were horrified, molested and bribed, and to surpass all even the successful candidates of Praja Parishad were not declared so. S.Bachan Singh Panchi Member of the Praja Parishad Executive who was one of the Polling Agents in ward No.3 protested against it and challenged the presiding Officer not to do the mischief. The result being that next day (16-12-58) was arrested for having dared to protest. He is being tortured and molested. Even before the elections work had started Mr. Sanjhi Ram who was formerly Praja Parishad Chairman of the T.A.C.Bishnah was

tried to be won over the National Conference, but he ~~declined~~ declined to do so with the result that he was detained under sec.3 of the Preventive Detention Act for the security of the State. He has not been given any grounds of detention and this Preventive detention for the security of the State has become very common in the State reducing the civil liberty to a nullity and has created an impression in the mind of the people that there is absolutely no democracy in the State but they were being ruled under the POLICE RAJ. Praja Parishad workers are wrongly restrained, tortured and burglarized by the police. Complete reign of terror and lawlessness has been let loose in the town.

These incidents are also shaking confidence of the people of the State in the ballot, and if these things continue the result will not be favourable for ALL OF US. I once again approach you in the fair name of justice, equity and good conscience to see things for yourself and to undo the mischief of those who have wrought the deed of shame in this party or the country.

Yours faithfully,

(Prem Nath Dogra)
President,
All J&K Praja Parishad, HQ Jammu.

House searches were made and 25 persons were arrested.
At 10 P.M. a curfew order for 72 hours to commence at 12 mid-night was announced and the city was paraded by the military while individual houses were raided by the police in search of Praja Parishad workers. Pandit Prem Nath Ji Dogra and five other workers of Praja Parishad were arrested late at night. Five trucks of the Punjab Police also reached Jammu the next day to harass the peaceful citizens of the State. ~~mathkratikk~~ As a compliment to the repressive measures adopted by the state authorities the entry of the two dailies Milap and Partap of New Dehli has been banned in the State without assigning."

This, Sir, is the story of the use of the Indian troops there I tried to find out from the Government booklet and denial of these facts. I have read it from cover to the end but there is no denial. The government booklet is only a collection of statements of certain individuals. It is not the result of any enquiry. No narration has been given by the government about the whole story. But one thing is common to both the versions, and it is this. At that function of the Government college besides the Indian Union Flag the flag of the National Conference was also hoisted. This both admit. The only difference is that the government pamphlet says it has been customary to do so and it is the flag of the National Conference which is revered by everybody. I revere that flag too. In fact in our movement for freedom until the year 1937 we used to hoist the flag of the National Congress everywhere and no body objected. Afterwards the Muslim League started objecting to it and it was very difficult to hoist the National flag on our schools and we were forbidden to use that flag on those occasions because somebody objected to it. I may admit the Kashmir Government's version that the Praja Parishad is a party which professes a different philosophy. But I ask you something. In Jammu and Kashmir there is no Socialist party, there is no K.M.P.P. there is even no communist party; in fact there is no other opposition party excepting this Praja Parishad. Here we have the Muslim League- we have it in Madras and we have other such parties. But still they are given the right of the Opposition. Now these people of the Praja Parishad consist mostly of Dogras. You can appreciate their sentiments. Upto now there was the Raja's dynasty. The Prince has been exiled from the State. But can't you imagine the feelings of those people. The dogra Raj is gone. Must you therefore injure the feelings of those people by flying the National Conference flag on Government's function in Jammu? That they are anxious for is that there should be the display of the flag of the State i.e. of the Yuvraj while he is there or of the Indian Union flag. Two years back there was trouble on this issue when the National Conference flag was flown in this same college. But the government of Jammu & Kashmir have persisted in flying that flag on this school. I can appreciate the sentiments of the National Conference friends. I have myself hoisted the flag of the National Congress on schools and other institution but the muslim league boys pulled it down. Ultimately we had to take down our flag and say to ourselves; it is a government school and as such only the government flag can be hoisted. Because certain students objected to the hoisting of the National Conference flag and they had a right to do so as it was a government building and they objected to a party flag; because they did so, was it proper to arrest them and fine each of them 100 rupees, lathicharge them, take them to the jail and keep them there even when they were starving; and was it proper then to arrest the leaders of Praja Parishad because it said that they were behind the movement? may be. Probably the movement began like this as a student movement and ultimately they had to go to a political party for help. They must have gone to them, and they must have also helped them. But is it the reason for arresting the leaders also? I think this is not a state of affairs which does credit to a man as great as Sheikh Abdulla. We had high opinion about him. I do agree that at this time when the country is in a critical position, when we are still in a state of war, when Dr. Graham is already in India, at that time these things should not happen, and I do regret that this has happened. But I want to know could not the Kashmir government have saved the situation and could not the things have ended after the very first happening? I think there have been mishandling of the situation. While I am very anxious that the chapter should be closed, I do wish that civil liberties - whatsoever - be the opponent, whether he be our most dreadful enemy must be respected. And we should not say, when people are on hunger-strike for thirty five days, what they are enjoying, taking glucose, milk honey all that.

Cntrd.

Speaking on the budget for 1952-53 during the general discussion on Motion No. 51 and 52 to discuss the use of Indian Military forces against the civil population in Jammu on Feb. 7th and 8th in the Indian Parliament Prof. Shiban Lal Sakesana on 4-3-52 referred to the recent disturbances in Jammu. He said:-

"In regard to recent incident in Kashmir I have read two version very carefully-- one supplied by the Praja Parishad of Jammu and the other by the Government of Jammu and Kashmir. The story of the use of our military forces is, I think, given in this version of Praja Parishad.

"On the 15th January there was some official function in the Government college at Jammu where besides the Indian National Flag the flag of the National Conference was also hoisted. Some students protested against this. Nine ring leaders were arrested and three were sent to the jail and six to the police lock up. But they all were released at night. After three or four days they were fined rupees 100 each by the college principal. They protested and appealed that the fines should be remitted, but it was not done. Some of them went on hunger-strike on the 29th of January. That means the hunger-strike began 35 days back. The hunger-strikers increased in number. first it was three, then two more joined the next day and then another two on the third day and the number went on increasing. As the press note issued by the Kashmir Government says there are twenty students still in jail who are on hunger-strike. I was surprised to see the language used in describing their condition. I would have wished that this was not the language which was used. I would like here to read out the communique issued by the Government of Jammu and Kashmir in this respect. It is as follows:-

"The Kashmir Government, in a press note, today (1.3. the 3rd March 1952) said Col. Ram Nath Chhipra Director of Public Health, personally examined the so called hunger-striker students and was satisfied the condition of none of them was to cause anxiety as all of them were taking milk, soup, fruit juices, glucose and other liquid foods. They were also being given books and news papers to read. They have however declined to read their own text books while in detention. It was further stated that the authorities are not interested in detaining them in jail and it is only in order to enable the government college to function normally that the authorities are compelled to take action against those who deliberately obstruct others in pursuing their studies in a peaceful manner or who deliberately indulge in activities calculated to defy laws.

The press note also recalled that ten out of these students were released at the very outset to provide them with an opportunity to behave as good students and peaceful citizens but working under the influence of the Praja Parishad they resorted to unlawful activities again."

Now, Sir, thirty five days have passed since the hunger-strike began and we are told that because they are being administered milk, glucose and liquid foods through the nose by forcible feeding, therefore there is no cause for anxiety. Those of us who have fasted in jails know what it is to get these things through the nose, and I think it is not a matter for such complicity as is made out in this press note. Many Indian patriots died while they were being given forcible feeding. It is a such torture. Jatinder Nath Dass died because, while forcible feeding, the rubber tube went into the lungs instead of going into the stomach. This government communique reminds us of the communique then issued by the British government in India.

Then, Sir, the hunger-strike continued and the number began to increase. On the 7th February the students took out a procession which was lathicharged. Next day the government closed all colleges and schools. A much bigger procession was taken out and all classes of Jammu people including ladies joined it as it is proved and it was there that the Indian Military forces were used. This is the story of the use of the military forces.

"The processionists including students of very tender age sat peacefully in that crowded place to make peaceful attempts to induce the authorities to realize their mistake and to set the matter right. Even then they were thrice lathicharged on this road. Some girls and boys received injuries on their heads and backs. Then the police were apprised by some boys to request them to behave properly and not to kill children, the reply came in the form of a bullet from the pistol of a police inspector who had nothing to do with the procession and is only a prosecuting inspector. This injured a boy. The students still sat peacefully demanding the release of the students and refused to leave unless an assurance to this effect was given. A detachment of Rajputana Rifles with armoured cars and wireless sets was then called in to trample down the students. The city was handed over to the military and it opened fire with the result that the mob dispersed.

Contd.

It is not the language which I expected
It is not the language which I expected from a patriot and veteran
like Sheikh Abdulla . Yesterday Maulana Masudi did make a very eloquent speech . I admire it. In fact I appreciate his sentiments. But I want to say that they have to be judged from the point of view of the opposite party. Here are some people who oppose what you do. Bring them over by love and persuasion and not by forcing things down their throats. In this way you will raise opposition to the National Conference. I wish for that day when all the people in Jammu and Kashmir combine together and become united under the flag of the National Conference. I do wish for that day. But as there are people who oppose it, you should respect their sentiments and not fly it over a place where objection is taken.

I do wish that this matter is brought to an end. I made an appeal in public also that the students should also give up their hungerstrike and the matter should be closed. It should not disgrace the great name of Sheikh Abdulla that such things happen in his State

Shri V.G. Deshpande, Member of the Parliament and the Organising Secretary of the Akhil Bharat Hindu Mahasabha who returned this morning after a visit to Jammu in a statement to the press said:-

"I along with Captain Keshab Chander, Treasurer of the A.B. Hindu Mahasabha visited Jammu and contacted a large number of people belonging to different parties and occupying different stations in life including students, both male and female, advocates, merchants, ladies and the Finance Minister of the Jammu and Kashmir State.

"At the outset I make it clear that whatever be our differences with the party in power on other issues, I am anxious not to do or speak anything which would compromise the stand of the Indian Government on Kashmir issue vis a vis Pakistan. At the same time, I do not want that under the pretext of crushing Communalism the legitimate aspirations of the people should be completely stifled and all civil liberties ruthlessly suppressed.

THE STUDENTS' EPISODE:- "After detailed inquiries on the spot I am convinced that the authorities did not tactfully handle the situation created on account of students' taking objection to unfurling the party flag along with the Union flag. An incident which was minor in nature was mishandled and I am positively of the opinion that lathi charge, firing, 72 hrs curfew and indiscriminate arrests were not warranted by the situation. I visited some of the hunger strikers and found the conditions of many of them to be causing anxiety. It is shocking to note that parents of the students studying in M.A. classes were arrested because their wards were on hunger strike. In the lathi charge, ladies and lady-students also sustained injuries.

ARRESTS OF PRAJA PARISHAD LEADERS:- "The arrests and detention of a large number of Praja Parishad leaders and workers after the episode is highly unjustifiable. I have absolutely no connection with the Praja Parishad. But after inquiry I am convinced that the Parishad had absolutely no connection with the students' episode excepting that they helped the authorities in bringing about a compromise with the students. It is to be noted that a large number

WHAT THE ALL JAMMU & KASHMIR PRAJA PARISHAD STANDS FOR:

1. Immediate application of the Constitution of India in its entirety to this State like other Part B States of India, with Maharaja as Constitutional Head.
2. Setting up of duly elected Legislature for the State.
3. In the interest of security no demilitarization of Indian Army from the State.
4. Full faith in, adherence to and support for India's Policy and stand with regard to Kashmir.
5. Proper rehabilitation of all displaced persons and restoration of normal conditions.
6. Speedy arrangements for equipping the people to defend themselves and the country against the growing menace of Pakistani jihad and raids.
7. No arbitration, no plebiscite under the Amended Anglo-American Resolution.

DURGA DASS VARMA
General Secretary
All jammu & Kashmir Praja Parishad
Jammu.

The Janta Press Jammu.

PRESS RELEASE
JAMMU, 9th OCTOBER, 1966

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The Working Committee of Jammu & Kashmir Praja Parishad concluded its three days deliberations yesterday. Reviewing the political situation of the State the working Committee reiterated its stand for full integration of Jammu and Kashmir State with Indian Union and passed the following resolutions : -

Even eleven years after the accession and repeated declarations about its finality and irreversibility there still exists a ~~g~~ feeling of uncertainty about the oneness of Jammu & Kashmir State with the rest of India. There is something abnormal in the situation. This abnormality which is brought home even to a casual visitor by a number of obvious and unnatural distinctions such as permit system, separate nomenclature and mode of appointment of the head of the State, separate citizenship camouflaged as permanent residencehip, absence of full jurisdiction of Supreme Court and Election Commission of India and indirect election to Lok Sabha is defended in the name of special position accorded to Jammu and Kashmir State in the Constitution of India. These distinctions are being presented as safeguards for the political and economic well being of the people of the State.

But actually it is these distinctions which are keeping the Kashmir question as such alive and preventing the return of normalcy to the State. The ruling circles in Kashmir have developed a vested interest in this special position because it enables them to play havoc with democratic liberties of the people and to prolong their own spell of power.

No wonder, therefore, that their ambition to remain absolute arbiters of the fate of the State is aroused and they tend to consolidate their own position by making light of their constitutional obligations towards the people of the State and India as a whole.

As a result, instead of arousing and strengthening national feelings in the minds of the people which can be the only effective and lasting safeguard against the forces of disruption and separation they prefer to appeal to the selfishness of the people by offering special privileges and benefits. Naturally selfish motives cannot be a substitute for a emotional sense of oneness born out of nationalism. What is worse corruption and nepotism exercised in ^{distinctions} ~~distinction~~ of these benefits in discrediting India alongwith the ruling circles in the State in the eyes of the common people.

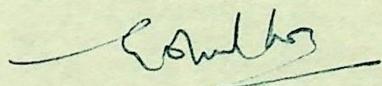
The special position enjoyed by the State has thus become a curse instead of being a blessing for Jammu & Kashmir State. It tends to strengthen undemocratic and dictatorial trends in the Government and ~~sense~~ of separation in the people. Both these trends are dangerous for the State and rest of India. Anyone, therefore, who tries to defend and perpetuate these distinctions between Jammu & Kashmir and the rest of India - be he Balkishni Ghulam Mohamed or Pt. Zafar - is neither a friend of Jammu and Kashmir nor of India. He is, may be, unwittingly, sabotaging the wider interests of both including his own.

Praja Parishad ~~no one~~ have been demanding the removal of these distinctions and full application of the India Constitution as a whole.

its

to the Jammu & Kashmir State from ~~their~~ very inception we are convinced that so long as this special position lasts we cannot get out of Kashmir question and so long as Kashmir question exists normal democratic life cannot return to this State. Our demand for one constitution, one flag and one President for the whole of India including Jammu & Kashmir State is not a sentimental cry. It is the corner stone of Indian unity. Without it Kashmir will continue to be a festering sore bedevilling the lives of the people of the State by perpetuating a sense of uncertainty in their minds.

In the circumstances the Working Committee of Jammu and Kashmir Praja Parishad reiterates its demand for complete integration of the State and the deletion of Article 370 of the Indian Constitution without further delay to save the situation from being more complicated and worse.



Publicity Secretary,
Praja Parishad,
Jammu & Kashmir,
JAMMU.

Press Release
Jnay, 9. 10. 54

Release

The working committee of Jammu & Kashmir Praja Parishad concluded its three days deliberations ~~last yester~~ yesterday. Reviewing the political situation of the state the working committee reiterated its stand for full integration of Jammu and Kashmir state with ~~the~~ Indian Union like other and to keep par with other parts the re and passed the following resolution:-

PRESS RELEASE: Jammu 18.10.1958.

Praja Parishad Chief Pt. Prem Nath Dogra and General Secretary Shri Rishi Kumar Kaushal returned here last evening after apprizing the leaders of the different parties of India, in Delhi, the growing undemocratic trends of the State rulers and the political developments in last months. On their arrival in Jammu Shri Rishi Kumar Kaushal General Secretary of J & K Praja Parishad has issued the following statement:

" It is an admitted fact that the Jammu and Kashmir's accession with India is complete and irrevocable. Yet this issue remains hanging in fire, for the simple reason that the State has been allotted a special status which with all its evils i.e. permit system, separate Constitution, non-imposition of the Indian Constitution in the State in its entirety etc. has created unhealthy and dangerous situation.

It is high time that this lacuna is done away with it and necessary steps are taken to bring the State at par with the other States so that all Indian citizens are allowed all the privileges and facilities in Jammu and Kashmir which the Kashmiris enjoy throughout the country.

It is clear that without full and emotional integration the feelings of insecurity and injustice will continue in the State and the separatists will continue thriving.

Moreover in the light of the Military coup of Pakistan it has become most urgent that important steps are taken to assure the safety of our Kashmir border -rs

Also it is urgent that all the democratic forces of the land join hands to face the challenge, posed by the Mirza Ayub clique. Praja Parishad will be ready to take initiative in this matter".

D/ _____

Gopal Das Sachar

J & Publicity Secretary

1958

But this demand of the extension of jurisdiction of the Election Commission of India to the State of Jammu and Kashmir and the application of article 136 and 226 of the Constitution of India plus raising of the status of the High Court to that of other High Courts in the rest of India has not found favour ^{with} of the Ruling Party in the State. It will be evident from the pamphlet entitled "Kashmir-An Integral Part of India" issued by L.Dina Nath Mahajan, Revenue Minister and Mr.Mohd.Ayub Kha, Deputy Speaker of the Kashmir Legislative Assembly. It is not surprising to the people of Jammu and Kashmir State for they very well know that ' money makes the ^a m^rego'. The booklet though tried to be factual is not misleading and omits very certain and important factors that have happened in the public life in the Jammu and Kashmir State with particular reference to constitutional developments in the State and the safeguards retained by the State Legislature. Whereas it has been tried to make explicit that with the exit of Mr Sadiq and Company, Bakhshi has gone more near to India. This fact too is not correct as will be evident from the facts which we would narrate below.

2. The controversy has now arisen more sharply since the time the demands for the application of the provisions relating to the Election Commission of India in the Indian Constitution be applied to the Jammu and Kashmir State has been made by the leaders of the Democratic National Conference. Praja Parishad had from the very inception been opposed to the idea of a separate constitution for the Jammu and Kashmir State and they firmly believe that this special privilege which has been given to the people of Jammu and Kashmir State is itself a problem & responsible for the creation ^{of} effluence of the Kashmir problem elsewhere. A separate constitution for the Jammu and Kashmir State, and a separate flag is repugnant to the very idea of one nationality for the entire country.

One country has always one flag, one constitutional head and one constitution. The past history has proved it as a crystal clear truth and the events in the very recent times have also proved this truth. It was in the month of Feb. '58 that Egypt and Syria became a republic but they announced that they will have one constitution, one flag and one President. Why this separate constitution and separate flag and separate President in the Jammu and Kashmir State. If it is for the sake of appeasement of certain section in the Indian nation including Kashmiries then too it will be dangerous for the Unity and entity of the entire country because a similar demand from Master Tara Singh would be very strong and it would be very difficult for us to avoid it.

It has been vehemently argued by the Revenue Minister and the Deputy Speaker in their joint statement brochure that the Election Commission of the State is a free man and is appointed by the Saddar-i-Riyasat. High applauding words used by the Prime Minister of the State in favour of the ~~Election Commissioner of the State~~ in the Legislative Assembly had been quoted with an advantage in their ~~xxx~~ brochure but I fear if these two "leaders" had at all read the constitution itself before making such assertion. Section 35 sub-clause 2 of the Constitution of Jammu and Kashmir reads:-

"All functions of the Saddar-i-Riyasat except those under sections 36, 38 and 92 shall be exercised by him only on the advice of the Council of Ministers"

The provision with regard to the appointment of the Election Commissioner is laid down in section 138 of the Constitution of Jammu and Kashmir. It reads:-

"The superintendence, direction and control preparation of electoral rolls and conduct of elections held under part 6 shall be vested in an Election Commissioner to be appointed by the Saddar-i-Riyasat."

The Saddar-i-Riyasat may for such period as he may deem necessary appoint one or more Deputy Election Commissioner to assist the Election Commissioner in the performance of the functions conferred by subsection 2.

Subject to the provisions of any law made by the Legislature the condition of the service of the Election Commissioner, Deputy Election Commissioner shall be such as the Saddar-i-Riyasat may by order specify.

The Saddar-i-Riyasat may make available to the Election Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commissioner under subsection 1."

Now it will be quite evident by reading both the sections referred to above that the Election Commissioner is to be appointed by the Saddar-i-Riyasat "only" on the advice of the Council of Ministers. To say that such Election Commissioner will be independent and would not work under the influence of the Council of Ministers is a denial of facts as shall be proved by the circumstances prevailing in the Jammu and Kashmir State. ~~JK~~ Needless to say about the prejudicial functioning of the Election Commissioner or any other authority of the State, it may be quoted for the information of all that while the constituencies were still in the making, a notification was issued by the Government framing the constituencies. These constituencies were made arbitrarily without taking into consultation any opposite party in the State. These constituencies were in the print of the Jammu and Kashmir Government Gazette dated 8th February, 1957 when it was found that some areas in the constituencies were not suited to the whims of certain stooges of some of the Ministers. Therefore they were altered on the 11th of Feb 1957. This no doubt prejudiced the interests of the contesting persons and created a favourable atmosphere in such constituencies for the party in power. Nevertheless, it proves the fact that the election in the Jammu and Kashmir State right from the very beginning of the framing of the Constituencies were not free and impartial.

Section 36, 38 and 92 as mentioned in subclause 2 of section 35 do not relate to the appointment of the Election Commissioner but relates to the appointment of Ministers and Deputy Ministers of the State the declaration of the State Emergency in the State. It may also be stated that this Election Commissioner during the elections was very often seen round about the bungalow of the Ministers.

It was so because the Election Commissioner of the State too felt himself uneasy because the order of his appointment was "till further orders". Such a man whose service is very uncertain and who is a retired hand looking forward for his continuance in the service in these hard times for a longer period would naturally feel hampered and would always be looking forward to his master and trying to please them even against the interests of the men at large. Attempts have been made also to prove that the Election Commissioner of the State is as independent as the Election Commissioner of India but we regret that there is absolutely no comparison because the Election Commissioner of India is a free man who is appointed by the President and there is a special provision for the same in the Indian Constitution as embodied in Article 324 of the Constitution of India. There is no corresponding article in the Constitution of India as contained in the Constitution of Jammu and Kashmir State i.e. Article 38. In the Constitution of India, the functions of the President acting on the advice of the Minister is contained in Article 74 which reads:-

"There shall be a Council of Ministers with a Prime Minister at the head to aid and advise the President in the exercise of his functions."

2. The question whether any and if so what, advice was tendered by the Ministers shall not be enquired into any court.

In subclause (1) there is no mention of the word 'only' which is very important in the State constitution. In India the President is to be aided and advised by the Prime Minister and the Council of Ministers and the word 'only' is very peculiar.

deleted from the parent constitution .Therefore, to say that the man appointed by the Saddar-i-Riyasat is as independent ^{The one} as appointed by the President of India is a falasy and the events in the State have proved that the facts contained in the ~~State~~ brochure made by the Revenue Minister and the Deputy Speaker are ~~not~~ ⁱⁿ⁻ correct.

It may also be added that the Sadar-i-Riyasat,himself, is an elected head in the State. He is also at the mercy of the Majority party in the legislature and when he is to act in such conditions only on the advice of the Council of Ministers how can a man appointed by him in these circumstances can be said to be independent and would ~~be~~ be in a position to act freely and consciously.

To say that the Election in the Jammu and Kashmir State were free and impartial is ^a deliberate attempt to conceal the facts from the public in general. Not only that premises were made by the Government for the remission of revenue and for the Concession of other rights and throwing open of the employment for those who would work and vote for the party in power but also the administration of the State used their influence to support the members contesting for party in power and to do everything fair and unfair to see that their candidates succeeded. In the Jammu city southern constituency false ballot papers ~~were~~ than those that had been actually issued were found in the ballot boxes. Further ballot papers serially connected each to each in bundles were found in numbers in the ballot boxes of the candidate of the party in power. Similar was the case in the Udhampur constituency where at one polling station 856 identification slips were issued and ⁸⁴⁹ ~~they~~ ballot papers were issued against them and in the end only 752 ballot papers were found in the ballot boxes at the time ^{being} when the ballot boxes were sealed the polling agents of the opposition party was turned out. There was a huge cry outside and it was in a haphazard manner that the presiding off

officer made incorrect account of the Ballot papers and identification slips used at that polling station. The Block Development Officer of Chenani Mr Dev Dutt was so much interested in the members of the party in power and the way that he worked for them is quite evident from the contents of the letters that he wrote to his subordinate and to other persons.

Translation of these letters is to be found in the end as Appendix A

These letters were addressed to the persons who were living in the same constituency while he himself was working in the Udhampur constituency. *These letters will therefore, show that Mr Dev Dutt was more a worker of the National Conference than a Government employ.* This is not the only incident of the Government employees taking part in the Election. The pressure of a School Master who was forced to work for the National Conference candidate in Ramban Assembly Constituency would be evident from the endorsement quoted below made by him. First teacher of *Batroc Primary school* on *the* each of the two identifications slip which were issued by the National Conference and which that petty school teacher was required to distribute amongst the villagers where he was posted " I have distributed these chits to Mr Devi Dass as ordered "

signature
Ist teacher Govt Pry.School
Batore Batroc 26.5.57

" I have distributed these chits to Mr Devi Dass for Mrs Devi Dass vote *No 917* as ordered "

signed Ist teacher Govt Pry.School
Batroc 26.5.57

Yet another example which is more glaring and startling would be evident from the record of the patwari in Sheva Patwar section in Bhandrawah constituency. *below* The full extracts of the record / is appended in the end as Appendix B. This patwari was made to work and he entered the same in his Roznamcha Wakati(Daily diary of the Patwari)

The process of foul play in the election did not end on the polling day only but continued still further. It will dent from the fol low

evident from the following facts:-

i/ In Billawar constituency the returned candidate did not submit his return of expenses incurred by him during the Election. The opposing candidate got a certificate from the Returning Officer on 3rd of May 1957 ^{stating} that the Returned candidate had not submitted the return of his accounts ~~so far~~ ^{till then} and he filed the election petition based on the same fact but immediately the Asstt Returning Officer in charge Billawar constituency, who has earlier issued the certificate to the petitioner in the position about the non submission of the return of expenses, obliged the returned candidate by issuing a certificate in his favour stating therein that the returned had reached his office on the 24th of April. How all this happened is subjudice matter pending before the Election Tribunal and these facts have been noted for the information of the public in General to judge for themselves as to how things are going on in Jammu and Kashmir

^{a strong}
State and why there is support to the demand of the Praja Parishad and the provisions relating to the Election Commissioners of India ^{in the Indian Constitution} be applied to the J&K State have been made by the leaders of the Democratic National Conference. These facts which have been put down here and other circumstances immediately required that these provisions above mentioned should be made applicable to the Jammu and Kashmir State forthwith.

The joint ^{booklet} statement of the Revenue Minister and the Deputy Speaker of the Legislative Assembly elucidate that it is forward Bakshi Ghulam Mohammad who has gone towards India after the exit of Sadiq and Company from the state cabinet and who has completed the Financial Integration of the State with India alongwith the integration of the services as well. This has also been made to ^{Show} say that it was Sadiq group that was creating hurdles in the way of those who wanted to apply these two provisions of the ^{Constitution} of India to the State of Jammu and Kashmir. We do not hold any brief for Mr. Sadiq and Co but we hereby prove by facts that it is Bak-

who has always

Bakhshi Ghulam Mohammad was who himself stood in the way of the application of the provisions relating to the Financial Integration and the integration of the services of the State. The President's order C.P.56 of 1958 ~~was~~ applying the provisions of article 149, 150 relating to the ~~Kenetrak~~ ^{with the rest of India} Comptroller General and Auditor General of India over the finance of the State was made by the President on 26th Feb. 1958. The Comptroller and Auditor General of India in exercise of the powers vested in him under Article 149-150 of the Constitution of India read with Cabinet order 56 of 1958 appointed by Mr H.B. Bhar as the Accountant General of the State. He was to take over the charge from the Accountant General of the State on 1st April 1958. Knowingly that such arrangement had been made, Bakhshi Ghulam Mohammad's cabinet passed C.O.33 on 25 March, 1958 appointing on ^{the} A.A. Fazili as ^{the} Accountant General of State in place of Mr. Ram Lal Gupta who was then working as Accountant General of the State. The Auditor General had directed ^{him} to take over the charge from Mr R.L. Gupta but on 27th March 58 when he reached Jammu he was surprised to find there were none to hand over ^{of the Post of Accountant General} the charge to him. Against this high handedness of Bakhshi Ghulam Mohammad, President moved the High Court in the matter for ^{that} issue of a writ of Querwarranta against A.A. Fazili. Then Mr. Fazily was removed and it was with great difficulty that Mr Bhar ^{delivered} was able to take over the charge. This single incident proved beyond ^{beyond} doubt the inner working of the mind of Bakhshi Ghulam Mohammad and his so-called zeal to apply the provisions relating to the Auditor General of India to the State of Jammu and Kashmir. Again in the State Constitution there is no provisions regarding appointment of the Accountant General or Auditor General as it exists in the Constitution of India; rather the constitution making body of the State constitution which was predominantly dominated by the Sadiq Group has ^{also} moved resolution before the Constituent Assembly recommending ^{to} the President that the provision relating to the A.G and Auditor General of the Government of India be applied to this a

State. This happened in November 1956 and the above provisions were applied 1½ year later through the kind benevolence of the Khalid Kashmir. This single incident would belie the joint brochure of the leaders of the National Conference. Along with the financial integration it has also been tried to be proved by the leaders of the National Conference in their Joint statement that Mr Sadiq and group stood in the way of the integration of the state services with the rest of India. This fact too is not correct. The previous correspondence between Government of India & the Government of State for the last three years would prove that it was Bakhshi Ghulam Mohammad whose cooperation was lacking for he wanted special privilege for his favourites and ~~thus~~ ^{thus} this created hurdles rather than smothering the way for the integration of the services with rest of India.

We now come to another fact in the joint ~~Statement~~ brochure statement advanced as an argument for the continuance of Rule 50 in certain parts of the State. The joint brochure of the Revenue Minister and the Deputy Speaker of the Jammu and Kashmir Legislative Assembly is full of quotations. From the statement of Mr Qasim the then Revenue Minister in the Legislative Assembly, we dare to point out that the statement in the Legislative Assembly of Mr Qasim was made under the circumstances then prevalent in the State. But its continuance as such at the present time is not warranted and especially in the circumstances whence we have granted freedom of speech & expression to ourselves as embodied in the Constitution of India.

The existing circumstances in the State amply prove that a person how-so-ever anti-social he may be, can have full safe-guard at the hands of Hon'ble Bakhshi Ghulam Mohammad if he is a member of the National Conference. He can act so far as to give the beating to the Government Officers during the due discharge of their duties and still go scot free because he happens to be the member of the party in power. One such instance is of very recent occurrence. On 1st of October 1957 the

the City Magistrate along with the raiding party of the Excise Department and police went to notorious camp in Jammu Tehsil and recovered 55 drums measuring more than one thousand gallons of illicit liquor as a result of search of twelve houses only. This Bhore camp is notoriously known as a supply centre of illicit liquor to the city and the military individuals stationed in Satwari Cantt. Many complaints were made against extraction of illicit liquor in this camp. Strong protests were made by the opposition leaders in the Assembly proceedings and to keep fact the Government did undertake to effect the search. At the time of the conduct of the raid the inmates of the camp headed by S. Janak Singh member of the Executive Council of the provincial National Conference attacked the raiding party, threw stones upon them and injured some of the constables. As a result thereof the city magistrate ordered the arrest of the miscreants. S. Janak Singh and twenty one others were arrested and a case under section 395 and 149 and similar other offences under the Penal Code was registered against the hooligans. But before this challan could find the light of the day, something miraculous happened and the challan, though presented to the Additional District Magistrate in the month of November 1957, who transferred the case to the court of subjudge Magistrate 1st Class Jammu, The challan was not actually presented before him before 28th April 1958 whence the Government Prosecutor came forward with an application that he had received directions from the District Magistrate to apply for the withdrawal of the case. What is the sense in the withdrawal of the case would very well be imagined by the readers themselves. But this glaring example of leaving scot free the National Conference Goons would amply prove that those in the Jammu and Kashmir State who are habituated to commit offence can easily find escape if they can purchase a four annas ticket of membership of the National Conference whereas others who dare to oppose the policy of the Government have either to go to the jail or to suffer illegal malicious prosecution for months and years together. Very recently in 1956 Municipal elections when a

a procession was taken out by the citizens of Jammu as a protest against the high-handedness of the party in power during the elections. Ladies numbering several thousands with their kiddies with them were in the vanguard of the procession. They ~~were~~ were stoned and teargassed by the absolute ruler of the State Bakhshi Ghulam Mohammad himself. He did not spare even the milk-sucking babies on the breast of the innocent ladies who had dared to join the procession ⁽¹⁶⁾ of protest against the high handedness of the State authorities. Many persons were injured and they were profusely bleeding but even inspite of that Dr. Omprakash Mengi the then General Secretary ^{of} Praja Parishad and some others were arrested and shamelessly persecuted for a considerable time learned and the Additional Session judge found it to be great injustice to the accused persons and recommended that they be set at liberty and the charge framed against these respectable persons by the subjudge A.D.M ^{Jammu} was quashed by the learned Additional Sessions Judge. These two examples will prove that those who dare to oppose the party in power however innocent they may be, must suffer and face false and vexatious charges. There are discriminations with regard to the administrative machinery in the State. Those refugees who did not pay the rent and against whom the rent for the last ten years has been accumulated did not get any concession but Mr Nazir Sumnani, a member of the Legislative Council, having an arrear of Rs. 20000/- to pay to the Custodian Evacuee Property could not be ejected from the evacuee buildings because he happens to belong to the party in power. There are hundred and thousands of such refugees found these days roaring round the official residents of the District Magistrates in order to get redressed for their grievances. Those who accepted to become the member of the National Conference, ^{have been spared to} avoid this humiliation of being rendered houseless.

The demand for the extension of the jurisdiction of the Supreme Court with matters of complete control over the State High Court has become more prominent. The demand that Article 136 conferring the right of special leave to appeal to the Supreme Court should ~~also~~ ^{be} applied to the Jammu and Kashmir State. Further demand that the jurisdiction of Supreme Court to transfer the cases from the jurisdiction of the court in the Jammu and Kashmir State to some other court subordinate to other High Courts in India is gaining strength and the people demand that the relevant provisions of the Indian Constitution ^{be} applied to the Jammu and Kashmir State. Otherwise the limited jurisdiction of the Supreme Court over the Jammu and Kashmir State is causing great hardship and suffering to the people of the State and is serving as a privilege for certain individual families who are ^{enjoying} ~~enjoying~~ the maximum at the hands of the ruling party. To quote instance, a case has been filed in the High Court by M/S Feroz and Co, a firm closely associated with the Ghulam Mohammad Bhakhshi Brothers Corporation) against the Government of India for the realisation of Rs. five lacs. This case has been filed in the Jammu and Kashmir High Court and to the surprise of all it may be noted that the Government of India has engaged the Public Prosecutor of the Kashmir Province to defend the interest of the Government of India against the plaintiff in the case. This Public Prosecutor is an employee of the Government of Jammu and Kashmir of which Bakhshi Ghulam Mohammad is the Prime Minister. Other senior hands and more eminent lawyers ~~were available~~ could be availed of but one fails to understand as to why the Government of India out of all policies of appeasement have chosen to play with the interest of the masses of India by not properly defending the case involving such a huge amount affecting the Indian exchequer. Many such important cases were the High personnel of the State are interested have been transferred from the courts of those states to some other courts in India. For instance the case of Maharani Patiala was transferred from the court of Magistrate of Patiala State to Magistrate at ^{the services of} Merut and another case was transferred from the Mysore Court to the Bombay Court to ensure impartiality and the administration

of justice and to avoid any possibility or probability of the ~~excessive~~
~~unreasonable~~ exercise of undue influence by the persons in power in these
respective states over the Judges in these States. ~~only recently~~
on 29th January the Supreme Court accepted the transfer application of
The two leaders of the National Conference in their joint brochure
have quoted Bakhshi Ghulam Mohammad the Prime Minister saying that
"the Democratic National Conference says it wants to move closer to India. If they really meant what they say I am gratified to call this my policy and this is the objective which my Govt is trying tirelessly to pursue. It is my extreme good luck that even the leader of Praja Parishad feels himself closer to India today. I have informed the House that we shall live and die in the fulfilment of this policy". This may be a very good slogan but actually in practice we find that hindrance none the less than those put forward by Sheikh Abdullah are being reiterated and continued by Bakhshi Ghulam Mohammad. He does not find himself in a position to go further than the Delhi Agreement which was completed by Sheikh Abdullah with the Government of India. To the people in Kashmir he has very often been heard addressing that he has only put into operation the Delhi Agreement already entered into by Sheikh Abdullah with the Government of India. This Delhi Agreement was an unholy alliance and compromise of a very basic fundamental affecting the unity of India. We at that very time agitated against this unholy alliance which was against the interests of India but the authorities that were in power both in India and Kashmir did not care to listen the popular voice. Eventually, the result came out and trouble resulted both for the Government of India and the People of the State. To say that Bakhshi Ghulam Mohammad is very eager to go nearer India is not correct because the policy pursued by him in the State has only created frustration amongst the masses and their faith in the democracy aforementioned and justice of India is fading systematically. The great aim of the emotional intergration which the leaders and the Government of India held dear to them is wanting in Kashmir and association of Bakhshi Ghulam Mohammad is not a helping hand to the solution of this big problem. Three different voices are still being heard from the mouth of Bakhshi Ghulam Mohammad; one for the congestion of the people of Kashmir other for the ~~for the~~ in Jammu

for the people of Kashmir other for the people of Jammu; and the third for the people in India. Recently he was heard in a press conference repeating the words of Sheikh Abdullah that led to his downfall. He said so far being annoyed by the criticism levied against his Government for its failure to check the smuggling that was going on in Jammu and Kashmir State. ^{he} He outburst some of the bitter words which could least be expected from the lower of India as Bakhshi Ghulam Mohammad claims himself to be. To say that it is hurling insult or there is any insinuation is not correct. It is pure and simple truth and the denial of Bakhshi Ghulam Mohammad of the patent facts cannot in any way bring upto his profession that he is following the foot prints of great living being of such country, Mahatma Gandhi in pursuit of ideals for which he led down his life. The idealism may be very good to be repeated in words but in practice we find the activities of Bakhshi Ghulam Mohammad quite reverse. Not only communalism is rampant but also there is clear denial of justice between man and man in the Jammu and Kashmir State. ^{For example To quote an example} Recently the Public Service Commission conducted the examination for the gazetted posts vacant in various Departments and which were likely to fall vacant in the near future. The applications were invited from those who were desirous to compete. The notification was published in the Government Gazette dated _____. Many persons appeared and as a result thereof eight persons qualified themselves for the posts advertised. Out of these four the first to be taken was only Muhammadan that had passed the examination and the rest of the examinees who had qualified are waiting the chance which may or may not fall to their lot. The posts for which the examination was conducted were filled in on communal basis by the Government of Bakhshi Ghulam Mohammad and the recommendation of the Public Service Commission have been completely ignored. Still worst consideration of communal representation in the services are kept in view by the Government of Bakhshi Ghulam Mohammad which is full of opportunist who do not spare any occasion to see that their ^{own} men howsoever otherwise disqualified they may be absorbed in the service.

In the end the joint statement quoted the speech of Prime Minister in the Legislative Assembly wherein he said "If we wish to extend the ^{booklet}

extend the jurisdiction of Election Commission which would involve a change in our constitution; we must go to the people and convince that is for their own good. People must be convinced that such modification of the Constitution will not be used to their disadvantage. They must be convinced that they are not losing their rights. Time will come when we shall ourselves move in this direction". So far as the attention of the people is concerned they are fully convinced that in the present circumstances there would be no change because of the corrupt methods adopted by Bakhshi Ghulam Mohammad in running the elections and in running the Government. It is with the desire that a change to end these corrupt practices and bring the hasty end of the those people ~~xxx xxxxx~~ who are responsible for such circumstances that the people of Jammu and Kashmir State are unanimously demanding that elections should be conducted in the State by the Election Comm: of India so that they may have the chance to avoid corruption by fighting elections in fair and impartial atmosphere and get the change of their own desire. If the circumstances that are prevalent in the State are led to continue this will lead to a very disastrous result and the time is right now when the confidence should be restored to the people in the State by granting them pure and impartial elections to enable them to think the change of their liking. Is Bakhshi Ghulam Mohammad prepared to resign and hand over the Government to impartial persons especially the military personnel and get the elections conducted by them as is being done in Burma and the face ^{the} electorates? That can only assure the people in the State that they can get their grievances redressed.

^{Appendix B}
Below is the extract from the daily diary of a patwari Patwar Halqa Shiva Tehsil Doda (Bhadrawah Constituency):-

S.No .	Dated	XXXIX Received an order from the Naib 136 3.5.57 Tehsildar Doda regarding his tour of the illaqas
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The order was received at 5.30 P.M. and the villagers and chokidars Sant Ram and Hari Saran were informed. As Shri Sant Ram Chokidar knew about this order even before therefore information to the Zamindars regarding this order was sent through Shri Tej Ram so that the Assamis may remain present at 8 A.M. tomorrow at Camp Shiva.

137/22nd Baisakh 2014

Today Naib Tehsildar has reached Shiva from Doda at 12 p.m. sky was cloudy. An hour later Kotwal Chuni Lal Sahib reached Shiva from Bhadrawah via Doda. Kotwal Chuni Lal Iotwal asked me that he wants to clarify some basic principles of the national conference to the general public and the villagers of the illaqa should be collected so that they may be explained. Thereafter the Naib Tehsildar gave the verbal order that Shri Chuni Lal Kotwal shall be helped. All the Assamis of my halqa were collected at Shiva. About 200 people gathered. After his speech Shri Kotwal Chuni Lal asked me and other Zamindars to explain their difficulties and grievances. M/sPrem Nath Lumberdar hiva and Prabh Dayal Zamindar discharged their duties earlier than me. Later I explained to the zamindars the principles of the National Conference, orders of National Conference, benevolence of the National Conference. I addressed the zamindars for half an hour and lead before the Naib Tehsildar and Kotwal Chuni Lal the old demand of the masses regarding water, cultivation of opium grievance regarding forest and the necessity for setting up a local committee to attend their demands that the polling stations should be changed from village Paranu to bridge Doda. I exhorted the audience to understand what I have said previously and thereafter Kotwal Chuni Lal went away and in his presence I took promise from those who had ~~gathered~~ gathered that they will follow the path of national Conference. The audience expressed their joy and unanimously declared that they had understood the views expressed by me and will act upto them. After this the meeting was dispersed. This meeting was presided over by Th Sahan Singh Rana. The meeting was dispersed with National slogans. During meeting there was hail and storm but it has not effected the harvest any way. The crop is ripe. Later I attended the camp of the Tehsildar along with Kotwal Sahib. It was evening and Kotwal Sahib went away.

145/11.5.1957

28 Baishakh
2014

Reached Doda Bridge along with Lumberdar Shiva

and Sarpanch as desired by the Tehsildar. The said officer directed that gates should be made because Honourable Prime Minister Jammu

and Kashmir Government was to reach there on 14th May. I returned with this order in my own halqa.

146/12.5.57

29 Baishakh 2014

I reached Ganghata today and informed Chokidars Hari Saran and Sant Ram residents of Shri Rana regarding the programme. I ~~had~~ also asked them to be present on Bridge Doda on 14th May 1957 at 8 A.M. along with all the Assamis.¹ told him that gates should be made at Neeru Bridge I asked them to inform the Lumberdar Blasoo that he should bring band and other villagers on 13th May evening at Bridge Doda for reception and that none should remain ~~absent~~ absent. In case of absence he should send the detailed report.

147/13.5.57

30 Baisakh 2010

I reached Bridge Doda along with the Zamindars and Lumberdars. I told the Zamindar and Lumberdars in the way at Hamirpur Blasoo Dharara and Shri Rana that they should place all their demands before the Prime Minister when he reaches at Bridge Doda.

148/15.5.57

2 Jeth 2014

Wednesday

On account of the word of the Election much word of Girdawari could not be done I collected the Zamindars of my halqa and made them to understand that they should side with the Government as they have previously been doing. It was their duty that they should not help other party because they party system leads to much loss.

150/16.5.57

3rd Jeth 2010

Thursday

detail.

Due to excess work of the National

Conference I could not make entries in

151/17.5.57

4th Jeth 2014

Friday

I could not make proper entries regarding Girdawari due to the excess work of the national Conference. Thereafter I distributed the chits of the National Conference from house No 1 to 200 in a day.

152/18.5.57

5th June 2014

Sunday

Chits of the National Conference for the

preparation of the polling from S.No. 200

200 to 301 were written and sent messages to the villagers that they should go to Shiva on Sunday. Since many propaganda

parties have arrived in the illaqa I sent the message to the villagers that they should inform me if and when public meeting is convened by these parties so that the masses may be kept informed and not allowed to be misled. The political atmosphere from my halqa upto today has been very good.

153/19.5.57

6th Jeth 2014
Sunday

All the Zamindars of the illaqa were collected today, The first speech was made by Chokidar Hari Saran and all the other Government servants took part and said that there were many educated persons in Shiva and they should make the people to understand regarding the programme of the National Conference. Thereafter I exhorted the Hindus and Muslims that in case they did not help National Conference at this juncture they will not be considered to be pro Indians but will be considered as pro Pakistanis because the National Conference was the only organization which stands for peace in the world and this can only deliver us good. After the rain had ceased I asked the Hindus and Muslims to go to the temples and mosques and say prayers for unless the God helps there is no protection for us and thereafter I distributed the chits from house to house.

154/20.5.57

7th Jeth 2010
Monday

I distributed the National Conference chits in the villages Chajja and Dharara.

155/21.5.57
8th Jeth 2014
Tuesday

I distributed the chits in the villages Shri Rana Khurd, and Rana Kalan and Masrounder.

156/22.5.57
9th Jeth Wednesday

I distributed the chits in villages Ghanghata Rayree and Kaka

157/23.5.57
10th Jeth 2014 Thursday

I distributed the chits in villages Khakkar Shiva and no other incident happened

Wanted: Reforms in Examinations



NSWER any five out of the following ten questions. All questions carry equal marks." This is what is usually printed in bold letters on the top of our question papers.

A university compiler reports that nearly 5,000 question papers are set in India every year for public school examinations at the higher secondary stage and about 75,000 at the university level. This large number, together with the overall options it offers to the examinees, would justify the jibe that any change in the existing system of examinations would be a change for the better. Recently a question paper on statistics was set by a mathematics man who had never taught the subject in his entire career. The question papers set by those who had "once" taught and are at present working either in the Ministry of Education or are on deputation, provide more amusement.

Examinations in India are a gamble. They are not based on even the theory of probability. The whole system works like a robot. Based on last-month cramming and sheer memorisation of facts, our evaluation methods are at least a century old. As early as 1948, Dr. Radhakrishnan, who headed the Education Commission then, had observed: "Examinations, as they have been functioning, have been recognised as one of the worst features of Indian education. Commissions and committees have expressed their alarm at their pernicious domination over the whole system of education in India." A scare for the examinees, the present system has become a terror for the invigilators because of the acts of violence inside the examination hall. Once a student entering the examination centre insisted that his dog, too, would go with him in the hall for his personal safety. He pleaded that the dog would surely behave. When argument failed, the police had to be called to take away the dog and its owner. It is because of such incidents, coupled with other acts of violence outside the examination hall, that some vice-chancellors suggested the formation of a university police force.

The Kothari Commission recorded: "We are convinced that if we are to suggest any single reform in university education it should be that of examinations." Yet nothing was done to rescue the erratic system from the traditional jeer, except the introduction of open-book examinations in some universities which resulted in mass copying and general ridicule. Even the Punjab Government which gave practical shape to the idea, with much fanfare and publicity, had to withdraw the scheme. The result is that our examinations continue to be devoid of either any critical thinking or any creative ability. The only unifying link between the teacher and the taught is the "guess-paper" or "expected questions." This has encouraged what is known as the "question paper syllabus." In a larger analysis, it stunts the growth of the so-called recipients of education.

The real bane of this decadent and deteriorating machine is the system of overall options it offers to the examinees. It is possible in this system, for

tory to completely omit one entire period (Hindu, Muslim or British, howsoever pernicious the division may be) and even then secure first-class marks. In mathematics, even mediocre students make a grade. In poetry, fiction and general English, it is worse. On primary and higher secondary students the effect of over-all options is criminal.

Young and impressionable minds should not be forced to make only selective studies. Questions permitting short answers should be asked and essay-type, long answers should be discouraged. Only then will the students be able to cover the entire course in the event of abolition of options. It has also been admitted by educational experts that short-answer questions can test the mental ability of the examinees much better than the essay-type answers. In addition, the element of "written" work, which has been universally condemned, is reduced. Nowhere else in the world is the student compelled to go on "writing" for three hours as in India. Even those candidates who have obtained distinctions in universities have admitted that during the "three hours of writing" he hardly indulged in "thinking". Even the "unseen" problems of mathematics are fully anticipated and rehearsed. The written aspect of our examinations is indeed an assault on the eyes both of the examinees and the examiners. That brings us to the question of external assessment vis-a-vis internal evaluation.

According to the Kothari Commission report, "no major breakthrough towards the improvement of external examinations is possible unless (A) the technical competence of paper-setters is raised through an intensive training programme sponsored by the State boards; (B) question papers are oriented to testing not merely the acquisition of knowledge but the ability to apply knowledge; and (C) the nature of questions asked is improved." All these remain as mere paper recommendations. On the contrary, the quality of questions asked in our examinations has further deteriorated. The system of "grace-marks" has not yet been abolished, despite a universal agreement of almost every educationist that it is an evil. Whenever a paper is considered to be difficult either by students or by parents, the universities announce grace marks with instructions to the examiners. The determination of "cut off" points is also based on irrational methods. It is, therefore, absolutely necessary that scoring procedures should be thoroughly overhauled.

It is one of the wonders of the Indian educational system that a candidate passing in certain subjects and failing in one or two is considered to have "failed." By this alone the examination system in our universities stands condemned. What is required urgently, therefore, are reliable and rational tests, immediate abolition of over-all options, proper pedagogical assessment at the internal level, and proper and scientific measurements at external examinations. It is mind that should rule matter in examinations, only then will some semblance of reform be said to have been made in our age-old, defective system of examinations.—INFA.

Surrinder Khullar

ALL INDIA BHARATIYA JANA SANGH
Central Office.

Deini,
Dated, 29.3.1956.

Press release.

Statement issued by Shri Kedar Nath Sahni, General Secretary, Bharatiya Jana Sangh, Deini State before leaving for Jammu to defy ban on his entry into the State by the Government of India.

Shri Sahni chooses to defy ban.

The refusal of the Defence Ministry of the Government of India to issue me permit to visit Jammu to take part in the municipal elections there has put me in a difficult situation. To submit to this implied ban on my entry into Jammu, which is an integral part of India for the perfectly lawful purpose of assisting my party in the election work there would be to submit to an invidious distinctions made against Jana Sangh. I cannot understand why only Jana Sangh is singled out in the matter while workers of Congress, P.S.P., Jamait-Ulema and other parties are permitted to go to the state freely.

More important than that is the threat to democracy and fundamental rights involved in this ban. It is my constitutional right to go anywhere in the country, including Jammu and Kashmir State for the lawful activities of my party. By refusing me permit the Government has infringed my fundamental right guaranteed to me in the Constitution of India. I cannot be a party to it.

To make things worse this unconstitutional step is taken to assist national Conference, the party in power, against Praja Parishad, the main opposition party in the State in the Jammu municipal elections. To submit to this would amount submission to fascism of the worst type. As a democrat who wants democracy to live and function in this country, I am determined to assert my democratic right of carrying on election work for my party in Jammu as elsewhere.

Further more, I feel that to submit to this inviduous ban would amount to going against the noble tradition set up by the late lamented Dr. Syama Prasad Mookerji who laid down

his life to assert the right of Indian citizens to move about freely in Kashmir as in any other part of India.

The interests of Kashmir also demand that I should not submit to this discrimination. The situation today demands that people of Kashmir should feel complete affinity of interest with the people of the rest of India. Any action or step which creates in them a feeling that their State occupies a special position gives encouragement to the separatist forces which are working in and outside the State to the detriment of the best interests of Kashmir and the rest of India. It is therefore, essential that the artificial distinctions being maintained between Jammu and Kashmir State and other constituent units of the rest of India are resisted and removed.

The consideration of security which are put forth as the ostensible reason for enforcing the permit system have no bearing on my case. No man in his senses can think that a responsible worker of Jana Sangh will do anything which may endanger the security of India. Permit system for security reasons should apply only to foreigners. It has no justification in the case of Indian citizens.

In view of these reasons I have decided to defy the ban and assert my democratic right to assist my party in Jammu even at the risk of being arrested and detained by Kashmir government. I feel that even my incarceration in a Kashmir jail will serve the interests of my country by creating a consciousness in my people that more is needed to be done to bring Jammu and Kashmir State in line with the rest of India.

.....

Jaydev Kapoor
Office Secretary.

A BILL TO AMEND THE JAMMU AND KASHMIR
HOUSES AND SHOPS RENT CONTROL ACT 2009.

Be it enacted by the Jammu and Kashmir Legislature
in the 10th Year of the Republic of India as follows:-

This Act may be called the Jammu and Kashmir Houses
and Shops Rent Control Act of 1960.

1. Amendment of Sub-section 3a of section 1 of the
Act No. XIV of 2009.

Clauses (i) and (iii) of Sub-section 3(a) of
section 1 shall stand deleted and clause (ii) shall be read
read after the words ' nothing in this Act shall apply to '.

2. Amendment of clause (i) of Sub-section 1 of
Section 11 of Act No. XIV of 2009.

The words " The time fixed..... with
section 14 " occurring in this clause shall stand deleted
and be substituted by the following:-

' Two weeks of the receipt of notice of demand
of such arrears from the landlord served in the manner
provided in section 106 of the Transfer of Property Act
(Act No. XLII of 1977).

Objects and Reasons.

The introduction of clauses (i) and (iii) in
sub-section 3(a) of section 1 of the Houses and shops
Rent Control Act (Act NO. XIV of 2009) has caused great
hardships to the tenants of the Government property and also
the property where the tenant has created a goodwill and is
earning 20,000 Rupees per annum or above. The present ~~section~~
section gives an undue advantage to the landlords and to the
Government and creates an unreasonable discrimination between
individuals. Furthur the second amendment is sought to save
the tenants from the undue advantage of the default clause in
the Act whereby the tenant is liable to ejectment if he
allows the rent to accumulate for more than six months,

which the landlord are deriving by surreptitiously allowing the rent to accumulate. By this amendment the landlord shall still be entitled to get the benefit of the default clause in the Act if the tenant deliberately neglects to pay the rent. It is with a view to save the interest of such tenants that these amendments are being sought to be introduced.

(P.N. Daga)

M.L.A.

~~PUBLIC RELEASE~~
10-3-56

The General Secretary of Jammu and Kashmir Praja Parishad has written letters to the Kashmir Premier, National Leader Mohd and the Chairman Drafting Committee of the Constitution for the State, asking them, "It is learnt that the Drafting Committee of the Constitution has finalized its conclusions and the said draft will come up for discussion before the Constituent Assembly of the State sometime during October, 1956. Though on principle Praja Parishad differs as regards the framing of a separate Constitution for any State or any part of India but keeping in view the importance of the matter it was necessary that the Draft should have been published by now for eliciting public opinion regarding their future lot, as it is already rather much late we request you that the said draft be published earliest possible giving opportunity to the people concerned to express their opinion and reactions before it is passed in the Constituent Assembly."

Publicity Secretary,
Praja Parishad.

~~PUBLIC RELEASE~~
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Praja Parishad.

GRAM BILKHAU
1956-57

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Publicity Secretary,
Praja Parishad.

A State subject is one who enjoys civil and political rights and privileges in the State, and in return has to discharge certain obligations, towards promoting the general well being of the country and towards assisting his sovereign to carry on the governmental functions of the country to the best advantage and benefit of the country as well as its people and has to attend the material political and industrial development from within. To do this he must be fully advanced to share the responsibility of administration, herein of course steps in the responsibility of the sovereign to place all sorts of facilities conducive to his advancement in his way in order to enable him to attain the desired standard of advancement compatible with ^{the} best administration.

The advancement of the people depends on the following two factors :-

1. The attitude of the sovereign power in the State.
2. The existence of political organisation amongst the people.

If the sovereignty resides in a body or a person apart from the people, the condition of the people becomes helpless, so much so, that even the enjoyment of the civil and political rights and privileges which is a birth-right becomes impossible and to attain advancement under such form of Government is impracticable which sets back the clock of progress. But where the sovereignty resides in the people and the governmental functions are controlled by themselves, there is no danger of foreign aggression, and the rights of the people are safe from encroachment. Under such form of Government, the people are ever happy and content, which are conducive to the material and political advancement of the people which enables them to respond properly to the responsibilities of promoting the general well-being of the country and thereby of the people. The Government of the people, by the people, for the people has been admitted by all the politicians and statesmen to ^{be} the best form of Government, in which besides peace and order, there is

progress and advancement. In Kasnmir State the sovereignty only partially resides in the people because the people have a sympathetic ruler who is from the people but who is helped by foreign and unsympathetic bureaucracy to carry on the administration of the State and as such the enjoyment of civil rights and privileges by the hereditary State subjects in the State, who have no hand in the administration, was far from being harmonious and the apathy of the foreigners, always kept them in the dread and the consequences were the general backwardness in the people what to say of advancement. Because the attitude of the power constituting the administration of the State which was foreign is hostile to the sons of the soil and also to their advancement consequently no political organisation could make its headway in the State, and therefore that factor to uplift the people politically was also wanting in the State. Therefore all circumstances conditioning political advancement of the hereditary State subjects were absent and a general backwardness and ignorance were rampant in the State. Principles underlying all good Government are not only peace and order but progress ^{and} advancement. Hence the Government thus constituted could not be called good Government in the true sense. This roused the hereditary people of the State to their sense of responsibility who began to cry noarse over their claims and rights and for protection against foreign encroachment. They wished for some demarcation line. Their cry was heard and it resulted in the definition of 1912 which was defective because of the selfishness of the persons in authority who sought to protect their interests rather than to safeguard the interests of the hereditary State subjects. This definition was quite beside the mark as it placed those whose ancestors resided in the State before the commencement of the present regime who entirely look to the State for help, support and maintenance, and have absolutely no connection with the outside world who shed their life and blood to make the State and also those whose ancestors came and settled in the State

3.

at the commencement of the present Royal dynasty, and ~~the~~ made the country their ^{natural home} equal footing as far as enjoyment of civil and political rights and privileges goes with those who came here to exploit the services of the State and its material resources, the people who want to enjoy the civil rights and privileges of citizenship in the State, merely by virtue of either 20 years residence in the State or 10 years service in the State or by obtaining a ^{Royal} Riotnama and by the mere possession of immovable property. what to say of them, by this definition, their near relatives and descendants were qualified as State subjects and became equally competent to seek service in the State. This definition was fanned by the interested persons and was entered into the books of the State to deprive the hereditary State subjects of their rights and claims. This was based upon no law, and there was no such emergency, because the State neither possessed land ~~as~~ required importation within it just to improve it, nor enough of material resources as required the help of outsiders for their development. The land is hardly sufficient for the original inhabitants.

A State subject should love the State and should be prepared to make sacrifices in promoting the general well being of the State and its people and should be eager to attend its development and progress ^{from} within but that cannot be expected of people who simply come here to exploit services and also the material resources of the State. A person serving the State even for 30 years what to say of 10 years, does not possess any love for the State as well as for its people. There are instances of persons, who put in 30 years or more services in the State but never regarded it their home, and when they retired from the State service they migrated to their native towns for which they had true love, leaving behind no recollections or never possessing any love for the State or its people. Such persons have always enjoyed power in the State and are still enjoying it, but they have never evinced any interests to promote the well-being of the

people and the country. Tracts after tracts in the State are lying desolate for want of proper irrigation facilities and thousand villages are such as have no proper water to drink. How many of such servants have come forward to improve the conditions of those desolate tracts and how many of them have endeavoured to alleviate the sufferings of the people of Kandi illaas. The education amongst the masses is generally neglected. How many of such State subjects have given a helping hand to the masses to improve their condition, on the other hand, such people have always been hostile and unsympathetic towards the hereditary State subjects, and this apathy of theirs, have always kept the people in dread to raise any voice ^{to} ameliorate their conditions and to establish organisations to get themselves heard and to get their grievances redressed.

The same holds good in the case of persons who have 20 or more years residence in the State. Such people have nothing in common with the hereditary State subjects and have no stake in the State, and have everything to gain. They naturally have no love with the State and its people, and even to marry their ^{children} girls they go outside the State. In no sense they fulfil any of the conditions of a true state subject. They are never prepared to love the State and are never ready to make sacrifices in promoting the General well being of the State, as well as ^{the people of the} State, and are never willing to attend its development and progress from within.

The mere possession of immovable property in the State should be no criterion to claim ~~the~~ person as State subject. He must be a State subject at heart, soul and body, and everything. He should look solely to the State for help, maintenance and advancement and should have no connection with the outside world. He must have sympathies with the State as well as its people. A wealthy person possessing a residential building ⁱⁿ the State and also a piece of agricultural land to boot, where he occasionally retreats during summer months to avoid the heat of the

plains, but has nothing in common with the people of the soil, can never be a State subject, because he has no sympathies with the State as well as its people.

Mere enjoyment of civil and political rights cannot make one a State subject. The essential attributes of a State subject are to love the State and its people, and to make sacrifices with a view to promote the general well being of the country and its people and to attend its development and progress from within, but such sentiments are natural-born and can never be engrafted by above circumstances. Time is a great determining factor in such cases. A long long contact with the people of the State and adaptability to general environments that obtain in the country can only develop such sentiments. "One touch of nature makes the whole world kin." Common sufferings develop love and sympathies, but the persons who want simply to enjoy the civil and political rights can have no wish to share the sufferings of the people, but only want to share what is best in the country. Therefore such people cannot lawfully become state subjects.

Therefore in the fair name of justice and equity such persons should never be included in the definition of the State subject, and the existing definition of 1912 should no longer remain in the books of the State, because such persons as described above cannot in the least fulfil the conditions of State subject and as such to tag their demands simply to enjoy civil and political rights, on to such demands of the true sons of the soil is not justifiable and is intended to curb the growing aspirations of the youths of the soil which is most unjust and unconstitutional-like.

The existing definition has worked disaster in the State. It has stayed the material as well as the political advancement of the country and also its people. The hereditary and bonafide State subjects to be hereafter described, have been deprived of a share in the administration of the country, because the so-called State subjects, who have been recognised by this definition to be such, are even hostile to holding any

position of ~~advantage~~ in the State, with whom they considered their interests clash. This has reduced the best brains into pitiless condition, because they can neither utilise their talents in official capacity, nor as public men to improve the general well being of the country and its people. Their brains stagnate ~~break~~ because they find nothing to do. They cannot venture to agitate the public to awaken them to their sense of responsibility and to clamour for share in the administration, because they are gagged by the hostile and foreign bureaucracy. This definition has stopped the political advancement of the people and thereby of the State itself as described above. The hereditary state subjects are very much uncared for, and their grievances ever remain unattended to, because they always remain in dread. The education in the masses is neglected. The best portions of their land and property have been appropriated by men in power and hence they are being reduced to poverty. The people have untold miseries. The poverty is depressing them to rise no more. This is the state of things to which the true state subjects have been reduced on account of this existing definition, which was ~~framed~~ by interested persons in authority and was forced upon the people of the soil, who had no voice in drafting it. The persons in authority, the author of this definition, had no interests in the sons of the soil, they had nothing in common with them, because they are never from them, and hence cannot properly administer to their needs and requirements and as such how can there be progress and advancement?

The existing definition therefore of 1912 is most unconstitutional and damaging; unconstitutional, because administration, the source of all power and action in the State should always be controlled by those whose life and blood have mostly made it, and not by men who have nothing to stake, but everything to gain, and damaging because government by men, who have nothing in common with the people, and have nothing to stake, but everything to gain, cannot be based on disinterestedness, and hence progress is turned back and prosperity of the people and their advancement, and thereby the prosperity and development of the

state are// factors generally wanting in such administration.

So in the best interests of the State as well as of its people, this damaging and unconstitutional definition should be altogether removed from the books of the State and most satisfactory and constitutional one substituted in its place, which may be palatable to the sons of the soil, which would tend to protect them against encroachment.

The rerafting of the definition on the new lines of course would bring in the question, how will their case be dealt with in this, who claim themselves to be as State-subjects under the existing definition. They have taken undue advantage of the definition which never became law, because it was never published in the State Gazette and was never taken kindly by the sons of the soil, who made protests against it, even the Government recognised the short comings of the definition. The law therefore sanctions that such rights and privileges be taken back from them as penalty then the international law also permits that to protect the true sons of the soil against aggression and encroachment such privileges as are allowed to such people can be withheld, when there is fear that the interests of the true sons would suffer. History is complete with such instances.

The plea is put forward by people opposed to the question of drafting of a definition of state subject on the new line which may be palatable to the sons of the soil, that this is with a view to exclude and eliminate the foreigners from the present administration of the State altogether. It is simply the absurdity to think that the administration ~~mixthexstatexaxkingkakx~~ is going to be purged of its existing foreign elements all at once. This cannot possibly be done. It is only a measure to stop further recruitment and to man the services with the hereditary State-subjects, and give them their rights. No body should grudge justice being done to the sons of the soil. Justice to the deserved should never be a cause of malice and hatred. This can never be the cause of spreading ill-feelings amongst various communities, and there is no danger of there ever arising any complications on that score. The drafting of definition will

never be detrimental to the economic and social interests of all the parties concerned. The recruitment of the services from the sons of the soil is not going to be made in such a manner as to impair the efficiency of the administration. Incompetency is not going to be paid a large premium, because the State is not going to put round pegs in the square holes or/ square pegs in round holes. Right men will be placed in right places which cannot in the least stop progress. Men of right calibre from outside will always be welcome to train the sons of the soil to occupy responsible posts and thus to carry on the administration on sound ~~xxx~~ administrative lines. The people are quite alive to the requirements of the administrative functions and can be trained to discharge them successfully, provided given proper facilities, "Slow rises worth by poverty depressed" and the State would become self contained in no time. Before drafting any definition on any lines proper consideration should be made of ~~three~~ three classes of people who are at present inhabiting the State so that their interests should not suffer in any way, and at the same time they should not clash with each other. There are at present three classes of people inhabiting the State territory.

1. Those, whose ancestors resided in the State before the commencement of the present regime, and who entirely look to the State for help, advancement and maintenance and have absolutely no connection with the outside world, and can in no way look for help to people or government other than the State. They helped the rulers in making the State with the life blood. These people love the State and are ~~xxx~~ ever ready to make sacrifices in promoting the well-being of the State.
2. Those, whose ancestors came and settled in the State at the commencement of the present Royal dynasty, and made the country their natural home. They also rendered valuable services to the rulers in making the State. They have also no connection with the outside world. They also love the State and are prepared to make such sacrifices as are required ~~of~~ by them, to promote the general well-being of the State.

3. Then there is the third class of people who came here in the State in search of employment within last 40 years or so. This class of people never evinced any sympathies with the State and its people, but have always kept them in the dross. This is the class against whom the interests of the first and the second classes should be safeguarded. This class does not love the State and is not willing to make sacrifices to promote the general well-being of the country. They want simply to gain. This includes all those who by virtue of the existing definition of the State subject also call themselves state subjects. Only the people belonging to the first and the second classes should be recognised as the true State subjects and some discrimination be made amongst them in distributing posts. The first class be called the hereditary bonafide State subject and the second bonafide State subject.

The administration the source of all power and action should be controlled by those whose life and blood have mostly made the State. The first class therefore is the hereditary ~~bonafide~~ State subject should mainly and the second (bonafide State subject) as an auxillary constitute the recruits to the formation of the administration in the State. The first class should be accorded preferential and differential treatment in constituting not only the administration, but the different departments also established for discharging the functions of the Government of the State.

The best criteria therefore to become a State subject in my opinion should be a long, long residence, say 60 years without any break, and such persons after that period are entitled to enjoy rights and privileges accorded to the second class that is bonafide State subject.

The same should be true for the persons who are servants of the State.

All others who have either served the State under that period ranging from 35 to 40 years or so, and have

earnest desire to make the State their natural home by cutting or asunder their connections with their original homes, ~~xxx~~ those who have been already residing in the State since last 40 years or so with a view to eventually make it their natural home like the above should be called naturalised State subjects and should be accorded such treatment as is meted out to this class elsewhere in other Governments or States, but that would no wise interfere with the rights and privileges of the first and second classes.

Such of the families of the State subjects which have left the State territories altogether and have established outside the State, and have acquired the ~~xx~~ rights of citizenship under other Governments, and have no connections with the State should now be disclaimed; but such persons or families of the State subjects who have not entirely left the State and have still connections with the State and have simply established in Governments outside the State to eke out their livelihood, should be welcomed as State subjects. By connection with the State I mean that they either possess residential buildings or land and pay revenue to the State etc and have to submit to the laws of the State in the control of that property. Such persons still have sympathies and love with the people and are ready to make sacrifices to promote the well being of the country but the other class of the people quite have no love left for the State or its people and are in-different towards the well-being of the State or its people.

The duration of 60 years residence to entitle one to become subject of the State appears rather long, but to watch the interests of the true State subject, and to enable them to man all the responsible posts and thereby to get share in the administration of the State, this restriction is most essential, otherwise the drafting of definition on some liberal bases will not improve things in the least for the ~~xxxxx~~

true State subjects for they will not get anything from the unsympathetic bureaucracy who constitute the Government. The object of framing the definition on new bases is to encourage

the sons of the soil and that object will be completely frustrated if some lenient definition be aimed at. So nothing short of this period will answer the present purpose.

Lahlu Ram.

To take only one instance, when the state of Kashmir was created the Maharaja was informed by the Treaty of Amritsar

To take only one instance, when the State of Kashmir was created the Maharaja was informed by the Treaty of Amritsar of 1846 that he received it " in independent charge ". Yet two years later the Governor-General informed the Maharaja that " in no case will the British Government be the blind instrument of a ruler's injustice towards his people, and if, inspite of friendly warnings, the evil of which the British Government may have just cause to complain, be not corrected, a system of direct interference must be resorted to." " There is no obligation, " wrote Lord Harding on the 7th January 1848 to the Maharaja of Kashmir, " on the part of the British Government , to force ~~in~~ the people to submit to a ruler who has deprived himself of their allegiance by his misconduct." Writing to the Gaekwar of Baroda on the 25th July 1875 Lord Northbrook laid down the obiter dictum that " misrule on the part of a Government which ~~is~~ is upheld by the British power, is misrule, in the responsibility of which the British Government becomes in a measure involved." Earlier, annexation of Oudh was justified, as the " only means of removing the reproach to, which the British Government was exposed by supporting with its arms and protection a system of tyranny."

Page 47 Indian States Problem, by Mahatma Gandhi

CENTRAL OFFICE J & K PRAJA PARISHAD, J A M M U.

* * * * *

NO _____

dated Jammu the _____

Hon'ble Gobind Ballabh Pant,
Home Minister, Government of India

N E W D E L H I .

Dear Sir,

On 23rd April you were pleased to grant us an interview. We submitted a memorandum to you for favourable consideration. In it we requested that in view of the grave irregularities and illegalities committed by the Jammu & Kashmir Government during Civic elections in Jammu, a Judge of the Statute of the High Court Judge be appointed to decide the election petitions that have been filed in connection therewith. It was also requested therein that a right of appeal to the High Court be also provided in the rules.

These election petitions were filed within the fourteen days of the declaration of the election result as was provided in the rules. It is more than ~~month~~ past when these petitions were filed and as yet the Government of Jammu and Kashmir has not been pleased to announce the name of the Judge and the time as to when he will decide these petitions. This is causing great concern and we have reason to believe that in view of the past experience Justice will not be done to the people of Jammu. It so happened during the last Town Area Election the Judge was appointed after one and ~~a~~ half year of the elections.

It is therefore requested that something effective be done forthwith in this~~s~~ connection to redress the grievances of the people of Jammu who have been deprived of their valuable right of franchise.

Yours Faithfully

GENERAL SECRETARY

RESOLUTION

The accession of the State with the Indian Union is the recognition of the principles that Bharat including Kashmir is one country and the corollary that the whole country should have one Constitution naturally follows. There cannot be two constitutional set up in the same country and if the principle is allowed to be compromised in respect of one part of the country it will encourage the other parts to follow the track and hence the national integrity will give away to the disruptive elements to play their mischief.

The article 370 of the Indian Constitution was a temporary measure as is evident from the speech of late Gopala Swami Aynger. Argument is advanced in favour of a separate constitution of State on the plea that there will be international complications/might rise in a case request for separate constitution if not acceded. To ~~fix~~ us this has little meaning specially when Union Home and Prime Ministers have time and again pronounced that there will be no Plebiscite in the State. The whole contest of the problem has changed due to the entry of Pakistan in the Bagdad Pact. Moreover the idea of separate constitution will continue to be used by anti-national element in the State that there is still some lacuna in the ~~xx~~ accession of the State with the Indian Union. To nip this sort of trouble Praja Parishad wants that adoption of separate constitution for the State will be animical to larger interest of India.

Principally, historically and geographically Kashmir is a part of Bharat and hence the people living in Kashmir should also enjoy the same rights and has the same constitutional safeguards as the people living in the rest of India. To maintain the national integrity Kashmir should also have same constitutional set up as rest of country. This is the aspiration of the people living in Jammu & Kashmir State. It will restore normalcy and all uncertainty about the future of the State.

The ~~x~~ General Session of Jammu & Kashmir Praishad views the present circumstances with great concern. The session firmly believes that the application of Indian Constitution in its entirety to the State can alone restore law and order in the State and thus create confidence among the people about their lot. The session makes it clear that unless the constitution of Bharat is applied in toto to the State they would not be a party or would not suffer imposition of any step which is taken with a view to satisfy separatist and anti-national tendencies.

Jammu, 13 May- Commenting on the recent speech of Kashmir Premier Bakshi Ghulam Nabi, in Srinagar threatening his political opponents, ~~and other Hindu leaders~~, Shri Basheer Khan, General Secretary Praja Parishad has said in a statement, "The tone and language used by Bakshi Ghulam Nabi in his recent speeches in Srinagar is quite similar to those utterances of Sheikh Mohd Abdullah before his downfall in 1953. It is a pity instead of taking to task those workers of National Conference who are disturbing the peace and communal harmony in the State, the Kashmir Premier has come forward in support of them by criticising the victims. This trend of the Kashmir Premier is of great significance. The Central Government and the leaders of India should take serious note of these trends of Bakshi Ghulam Nabi, in the greater interest of the Country."

Complete hartal was observed for two days in Bhaderwah, an important town 140 miles North-West of Jammu, when a State Minister Mr Begum accompanied by the Provincial President of the Jan National Conference visited there. It is reported that about a year back the said Minister had visited Bhaderwah and had made certain promises with the people there, regarding their burning needs and demands. But so far nothing had been done to fulfill these promises. Hence the Bhaderwah people expressed their resentment by observing hartal as long as the Minister stayed there.

On the next day of the arrival of the Minister in Bhaderwah, the local National Conference workers arranged a public meeting but inspite of the best efforts made by the N.C. workers and the Government officials, hardly forty people could ~~gather~~ gather to hear the Minister.

Later on a deputation of the representatives of the Bhaderwah people waited upon the Minister and reminded him of the promises he had made. It is said that the minister has expressed regret for his failure to keep his words as he had forgotten them.

(Copy of Press Notice)
Kashmir Ghoswani, Jammu

Friend
at Amritsar

STATEMENT BY MR. PRIME MINISTER DOORA AT A PRESS CONFERENCE HELD
AT AMRITSAR.

I am happy to be in this historic city of Amritsar which has always been the hub of political activity in the Punjab. The economic life of the people of the Jammu & Kashmir State intimately linked with this city and in the political sphere too the life in the state is influenced more by the atmosphere in this city than any other city of the Punjab. I take this opportunity to thank the people of Amritsar for the sympathy they have shown and the support they have given for the cause of India's unity for which the Panja Parishad has been struggling.

Lot of propaganda has been done by those in power in Kashmir and India against the Panja Parishad during the last few years. It has been dubbed as a communal, reactionary and that not. But course of events has proved that it is not Panja Parishad but its critics who were in the wrong. The demands of Panja Parishad are before you. What is communal about them? We have never demanded that protection of Supreme Court should be extended to Hindus and Sikhs or to the people of Jammu alone. All the people of the state, Dogras and Kashmiris, Hindus and Muslims, will equally benefit by it. The abolition of Custom Duties will benefit the people of Kashmir more than the people of Jammu. Their economic and political life has been stangulated and stifled no less than the life of the people of Jammu by the policies pursued by Abdullah Government.

It is wrong to say that Panja Parishad is Anti-Kashmiri. There are hundreds of Kashmiris in Panja Parishad. We want Jammu & Kashmir to grow and prosper together as a component part of India. Our cause is not with Sheikh Abdullah or Nationalists as such. We have always looked upon them as brothers. We are opposed to the principle of separation from our common Motherland, India, we are determined to the bitter end. All we want to drive a wedge between the state and rest of India. Let Sheikh Abdullah end his separation and give a concrete shape to Jammu & Kashmir's unity with India and he will find that we are his best friends. I

and appeal to him to my brothers of Kashmir to rise above petty parochial consideration and join hands with us for discrediting the designs of enemies of our country's unity within and outside the state.

The Parijatkhanda Satyagraha movement has made it clear to all concerned that the people of state are not prepared to stand any hindrance about independent Kashmir. We want to live as Indians and die as Indians. Some people flirted with the idea of independent Kashmir in 1947. The result was massacre and carnage at the hands of Pakistani in Kashmir valley. The same thing is now ~~happening~~ being dangled before the eyes of some ambitious and unscrupulous ~~for~~ politicians of Kashmir. It may serve their personal ambition but it will ruin the people of Kashmir. I plead with them to learn from past experience, and not to play with fire. We have been and are opposed to this "sonatic nonsense" whether it comes from Pt. Pandit Nehru or Sheikh Abdullah.

We have stopped our satyagraha after full thought. We wanted to give opportunity to Prime Minister Pt. Nehru who had climbed down from giddy height to call for us and appeal to us for cooperation to set things right in Kashmir. We wanted to give Sheikh Abdullah an opportunity to give concrete shape to his assurances "I stand by every word of July Agreement." We do not consider July Agreement to be the consummation of our desires, but its immediate implementation as interpreted by Pt. Nehru and Late Shri Gopalaswami Iyer can remove some of the doubts and end the suspense about state relationship with India. We have focused the attention of the whole country on this question and we are sure that India will not allow things to drift any longer.

Our Prime Minister is meeting Pakistan Premier tomorrow between
Kashmir will be the major subject of discussion with them.
I have pointed Pt. Nehru with the feelings and views of the people of state which are now shared by the people of whole of India. I hope Pt. Nehru will keep them in mind. We want peace within and outside the state. But self-abnegation and surrender to aggressor is no way to peace. Jammu & Kashmir is and has been

since time immorial and integral part of India. Its bound with India has been recently cemented by the blood of thousands of Indian youths who have sacrificed their lives while defending Kashmir which they consider to be a part of their Motherland. It would be folly to think ~~and~~ ^{that} Indian army have gone to Kashmir to help Abdulla and his party men to carve out a principality for them. It is there because it is its duty to be there to guard India's frontiers. The people of state look upon it as their own army. To talk of its withdrawal from the state is to shut eyes to the fact that Jammu & Kashmir state has acceded to India legally and constitutionally. There may be difference of opinion about the degree of the unity flowing from the accession. But there can be no questioning about the fact of accession itself.

The people of state have made great sacrifices for the cause of Kashmir unity with India but the greatest sacrifice has been the death of Dr. Mookerji. He lived a life dedicated to India's unity and he has died for it. It is now for the people of India to see that ~~this~~ ^{remain} the mission of tallest Indian of the age does not/unfulfilled. We of the state are determined to carry on his mission till the goal is reached that alone can be the true monument to that most doughty fighter for all righteous causes and down trodden Indian humanity. The circumstances of his death ~~are~~ still shrouded in mystery. I had the privilege to be with him during his last days but what I saw and what has come to light since his death has established a prima-facie case for an enquiry. The failure to do so ~~will~~ will force the people to believe that Dr. Mookerji did not die but was made ~~to~~ to die by deliberate neglect and may be something more.

There has been coming a spate of statements from responsible leaders of Kashmir National Conference for some time past. They present too distinct and some what opposite view points prevailing in the rank and file of that organization. Efforts are being made by some of them to go back on column pledges and commitments made by them on behalf of the people they claim to lead about the affiliations of the State. But they are trying to comonfoge and fefend their volte face by putting blame on others. Sh. Abdullah and Maulana Masoodi for example have been justifying their stand about independent Kashmir by condemning the "extreme view of the merger of the State with India or Pakistan." So far as I know no organisation or person in the State has ever demanded merger of the State in India. The Praja Parishad has been all along demanding that Jammu and Kashmir State be treated like other part B States like Mysore, Travancore and Madhya Bharat. Those states have not been merged in India. They have been only integrated with India. There has been nothing new in it. The Indian states were integrated with the rest of India before August 15, 1947 as well in respect of defence, foreign affairs and communications and many other things. The demand for integration of Jammu and Kashmir State with the rest of India, ~~therefore~~ is, therefore, not strange or ~~revolutionary~~ revolutionary. The Parishad wants the Jammu and Kashmir State to grow and prosper as a component part of India while maintaining its own distinct entity. It is therefore wrong on the part of any one to make the Parishad a scope goat or excuse for its own change of colours.

It is regrettable that even Pt. Jawahar Lal Nehru is unwillingly playing the game of such persons. His reported comments that the change in attitude of Kashmir leaders is a reaction of the Parishad movement has no basis in facit. The stand of the Parishad was known to Sh. Abdullah since he came into power. It has been struggling for its stand for the last five years. But Sheikh Abdullah

continued to talk of the State's unity with India all these years and most of his colleagues in the National Conference do the same even today. It is, therefore, clear that it is not the Praja Parishad which, as an organization of the people had every right to put forth the views of the people for the consideration of those in power, but some other considerations which have made Sheikh Abdullah come out publicly with his demand for independent Kashmir which he had been flirting for a long time. His press interview to some foreign correspondents in Bombay three years back and his Ranbir Singh Pura Speech of April, 1952 pointed to present change of front. The government of India should have taken the clue from them and adjusted their policy accordingly. Their failure to do so is responsible for the present developments in Kashmir. I therefore request Pt. Nehru to not to evade his responsibility by making the Parishad his scape goat.

By staging this drama of glaring murder of democratic principles and by throwing asunder all canons of justice of the Government has been responsible for effacing all faith of the peace loving people in the procedure of ballot.

By creating terror and harassment amongst the innocent masses tendency towards fascism has been created in the State.

The oft proclaimed slogan of Indian interest has been dishonored deliberately injured by the ruling clique by giving a chance to the enemy to exploit the existing situation and to propagate amongst the democratic, truthful and constitutional stand taken by Government of Bharat in the Security Council specially in connection with the Kashmir problem.

Under the above mentioned painful and unfortunate circumstances this meeting of the Jammu & Kashmir Praja Parishad Working Committee after detailed and thoughtful consideration and keeping in view all the wider interests, resolves that a memorandum be sent to the Government of Bharat to terminate the special status of the J&K State specially when in the words of Shri V.K. KRISHNA UPPAL the stand of India has been explained that the State has finally legally and constitutionally acceded to Bharat since October 1947.

Now is the crucial hour to put an end to these fissiparous tendencies, can only be done by applying in toto the Constitution of India, and extending the jurisdiction of Indian Election Commissioner, and Supreme Court of India to the State of JAMMU & KASHMIR to restore confidence and normality amongst the people.

We most strongly beseech the conscience of the Government of India to constitute a judicial enquiry regarding the malpractices, irregularities and law breaking by the law makers themselves. In these circumstances we look to the set up of an independent and impartial election tribunal to be appointed from amongst the Judges of any Indian High Court to restore the lost confidence in the public.

That all the political parties of Bharat be approached in the name of justice and devotion to Mother Bharat to come to

rescue the people from these marauders of democracy and see for themselves the actual affairs. In this farthest corner of Bharat the only pro-Indian element in the State is being crushed ruthlessly : we may warn our brethren of Bharat to feel the pulse of the oppressed patriots. This may be taken as the timely alarm to foresee the serious repercussions of this barbaric treatment . The people of the State shall be forced to take whatever steps they think proper to safeguard their honour, rights of justice, their fundamental rights and other basic demands.

In the end the Working Committee approaches the real soul of our organization i.e. the people who have been struggling against all odds for the last ten years not to be impatient . The Committee realizes the feelings of the masses standing at the cross roads at this critical juncture for a guidance. " Fight against any injustice and resist evil at all costs." For attaining this we must be up and doing in our villages to strengthen the organization. Now again this is the crucial hour when we have to put up an effort in the State to uproot the elements responsible for creating the chaos. It can definitely be achieved as has been done before by fix continuous and steadfast struggle by all of us. We will try our best to set the things right. We shall never shirk even to take risks for this sacred cause should be our motto for all times to come.

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the relationship of the State with India in a constitutional manner, have been completely denied and effectively curbed by frequent arbitrary use of Section 50 of the Defence of Kashmir Rules, and the Public Security Act. Not content with this wholesale suppression, Abdullah's Government has started a regular campaign of harassment of the people by initiating general censorship of press post and telegram and introducing measures whereby the relatives of the Praja Parishad people are made liable to lose their appointments and pensions. There are cases where such steps have already been taken. As a result, the voice of the people, who are dissatisfied with the present policy of limited accession and want closer and complete union with India, has been completely gagged. Newspapers that dare criticise the Government have been suppressed and silenced. The Indian Newspapers that happened to be sympathetically critical of the policies pursued by the Kashmir Government have been banned in the State. The President of the Praja Parishad and his co-workers have been repeatedly arrested and detained without trial for long periods. Recently, in February, this year, the Students' Agitation against the use of the Party Flag at a public function in place of the State Flag was made an excuse to adopt repressive measures against the Praja Parishad and a veritable reign of terror was let loose on the people of Jammu. A number of its prominent workers were exiled from the state. This has made the condition of the people much worse than it was even under the old autocratic regime. The people of Jammu and Kashmir have no fundamental rights and cannot approach even the Supreme Court of India for protection.

5. In the educational sphere systematic effort has been made during all these years to break the linguistic and cultural ties that bind the State with the rest of India. Hindi occupied an equal place with Urdu in the educational life of the State before accession. Now it has been completely relegated to the back ground. Urdu has been made the official language of the State and the medium of instruction in the Schools. Even the Text books meant for girls are full of difficult Persian and

(and) Arabic words which even the Teachers do not understand. Urdu has been made a compulsory subject for the Matriculation Examination. A sense of Kashmiri Nationalism, as distinct from Indian Nationalism, is sought to be created through the books prescribed for the school going children.

6. Among the seven men who constitute Text Book Committee of the State, there is not a single person belonging to Jammu or the minority community.

7. A separate University for the few Colleges of the State has been established entailing heavy burden on the State Exchequer only to cut off the educational and cultural ties which a common University created between the students of the State and the India. Even the Examination papers are set with the object of creating anti-Dogra feeling in the examinees as will be clear from a perusal of English paper B, for the Intermediate Examination 1952 of the J & K University.

8. In the administrative sphere, the party interests have been carefully nursed at the expense of merit, fairplay and the wider interests of the State. Recruitment to the services used to be made through open competition or on merit of seniority during the Maharaja's Regime. Now, the only qualification for winning or retaining a public office is party affiliation. Almost all the key-posts are held by men from the Kashmir Province.

Sheikh Abdullah has publicly declared that he wants the party and the Govt. to be managed entirely by the same personnel, ignoring that this practice is followed in totalitarian States. Communalism, against which Sheikh Abdullah is fond of talking so loudly, is being practised so extensively in the State Administration that notices advertising vacancies of Govt. posts sometimes clearly say that "only Moharridans need apply."

9. The men in power in the State, judged from the policies they have been pursuing, seem to be determined to make the people of the State feel that they are being ruled from Srinagar. The Training College, which was started by the Maharaja's Govt. in Jammu, has been shifted to Srinagar, the Toshla Khana, which

(which) contained all the valuable and curios of the State along with manuscripts lying in the Jammu Library, have also been carried to Srinagar. It was planned to shift the State Press also from Jammu to Srinagar, but this has been postponed for the time being as the result of Public protest. Jammu enjoyed the status of a separate Province with a separate Governor during the old regime. Now the separate entity of Jammu Province has been destroyed by abolishing the Governorship and lumping together the Districts of Jammu and Kashmir under one Commissioner.

10. The territorial limits of the various administrative units of the Jammu Province have been altered with a view to the eventual partition of the Province into Hindu and Muslim zones so that the Muslim may be in position to act at the critical time to the detriment of India. The Udhampur District which had a clear Hindu majority and acted as direct link between Jammu and Ladakh, has been split up into two units. Its Northern areas like Bhaderwah, Kichtwar and Ramban, which contain most of the mineral and forest wealth of the State have been constituted into a separate Muslim majority district of Doda, which is intended eventually to be amalgamated with Kashmir. The minorities in the zone are being harassed and threatened to leave, the illegal provocative speeches are being delivered by the National Conference leaders in the very presence of the police without any action being taken. Arms and ammunition is being manufactured and supplied to the members of the majority community. This district besides destroying the natural cohesion of the Jammu Province has become a wedge separating Jammu from Ladakh. Similarly, Reasi district was split up and a new district of Rajouri-Poonch created. The Tehsil of Reasi with a preponderant population of Hindus was joined with Udhampur and the remaining portion of Reasi District. The Tehsil of Rajouri was joined with Muslim majority areas of Poonch. Further, with a view to extend this newly created district of Rajouri Poonch a portion of Reasi Tehsil in the West of the River Chenab and certain Northern parts of Akhnoor Tehsil which are predominantly Hindu areas are being separated to form a new Muzabat of Sunderbani.

11. The motive underlying these measures becomes clear when we keep in view the treatment meted out to the thousands of Hindu and Sikh refugees, who emigrated from the Pakistan held territories of the State. They want to settle in the State. There is enough room to settle them all. In Jammu District alone 7,04,914 kanals of evicuee land is available for settlement. But instead of allotting that land to the refugees it has been given to favourites on payment of five times the annual land revenue which amount is being credited to Muslim evicuees fund. The Govt. of India all this time has been spending crores of rupees on feeding these refugees, who are now being sent out to distant places like Bikaner and Bhopal against their wishes.

12. The law defining the term "State Subject" is being so interpreted as to prevent people of Indian domicile from settling in the State. But when it comes to Kazaks from Turkistan, all these laws are put aside and they have been given full naturalisation rights to settle in Kashmir Valley. Similarly, lacs of Pakistanis have been allowed to infiltrate into the State during the last four years. They have been helped to settle down in the State.

13. The economic condition of the people of the State, particularly in Jammu and Ladakh, has greatly deteriorated during the last four and half years. New taxes have been imposed and the existing ones enhanced from two to five times with the result, that their burden has become almost unbearable considering that the average income is about one half of that in the rest of India and the burden of taxation considerably much more. The Govt. control over the Transport and distribution of all articles of necessity is telling heavily on the people. The burden of exorbitant Customs duties continues to shatter our economy. A thing worth rupee one at Pathankot costs us between 37% to 50% above that price in the State. Within the State, Govt. monopolies have replaced private enterprise to the detriment of the consumer. The charges for transport of commodities to different parts of the State fixed by the Govt. are much higher than the rates charged by the Private transporters. The scope for

(for) Private Transport has been practically eliminated by the establishment of the Government Transport Department. There is no free competition. Petrol which is rationed throughout India is controlled in the State. This has not benefitted the people at all except perhaps a few families of the ruling party.

14. The people of Jammu foresaw the dangerous results of the Govt. policies quite early. The President of the Praja Parishad, brought these apprehensions and grievances also to the notice of the Govt. of India. We have undergone all this suffering in the hope that it will end with the complete accession of the State to India, when we will have all the benefits of Indian citizenship including the ~~max~~ protection of fundamental rights which is guaranteed by the Indian Constitution. But that hope has now begun to change into despair. When the election to the Constituent Assembly for the State were ordered last year, we were given to understand that the Constituent Assembly would ratify the accession of the State to India. We, therefore, prepared ourselves to take part in the elections. But to our great disappointment, 41 out of 59 nomination papers of the Praja Parishad nominees were rejected on flimsy grounds and conditions were created through official pressure which made fair elections impossible. I appealed to Sheikh Abdullah as also to the Government of India to hold an independent judicial inquiry into the wholesale rejection of nomination papers of the Praja Parishad candidates and prevent Govt. servants from abusing their authority by helping actively the National Conference candidates, so that the fears of the people regarding partiality of the elections may be allayed. But no heed was paid to our requests with the result that the Praja Parishad was forced to boycott the elections under protest. The Constituent Assembly is clearly ~~max~~ a packed body and consists of the nominees of single party. It is not a sovereign body. It does not represent the people of the State at all. The people of Jammu have no voice in it. Moreover, the representatives of the State in Indian Parliament are all nominees of this Constituent Assembly. Thus we have no representation in the Indian Parliament either.

15. The announcement made by Virza Afzal Beg, member of the Basic Principles Committee of the Kashmir Constituent Assembly, that Kashmir would be an autonomous Republic within the Indian Republic with a separate National Assembly President and judiciary and the subsequent speeches of Sheikh Abdullah have made it clear that National Conference wants a very loose relationship with India and not full accession like other part B States. So our hope that redress will come to us through the application of the Indian Constitution in its entirety to the State has been dashed to the ground. Our very existence as a self-respecting section of the Indian people is now in danger.

16. Further more the recent vital decisions made by the Constituent Assembly, regarding State Flag and termination of the Ruling Dynasty, have caused deep resentment throughout the State particularly in the Province of Jammu. From this, it is evident that the things in the State are drifting towards the creation of an Independent Republic.

17. The whole sale condemnation of the heroes and founders of the State have greatly wounded the feelings of the people of the Jammu Province which indicates that the people of the Jammu Province in general are looked upon by the party in power with contempt.

18. These circumstances have forced us to approach your honour with the request which may look drastic but which is the only alternative now left to us. Leaving out of consideration for the moment those parts of the State which are now under the illegal occupation of Pakistan, the India held territory of the State is made up of three distinct regions namely, Jammu, Ladakh and Kashmir Valley.

19. The people of each of these regions, are a distinct people with language, culture and history and definite territory. The Jammu region lies south of the Pir-panchal Range as far as the Cease fire line at Suchetgarh, and between Ravi and Jhelum Rivers in the north and includes Doda and Pader areas. This belt forms the mountainous region which Maharaja

1963

-2-

6. The existence of a separate constitution, separate flag and separate law of citizenship stemming from the special status given to the State by the temporary article 370 of the Indian Constitution served to strengthen the feeling that Kashmiris were not Indians and thereby helped to keep the uncertainty in the minds of people about their future alive. This situation essentially suits Pakistan whose agents are very active both from within and outside the administration.
7. But strangely enough this aspect is not disliked by the ruling Congress leaders of the State because of their having developed a vested interest in the special position of Kashmir which has enabled them to ride roughshod over the liberties of the people and reduce the democratic elections to a farce to perpetuate their absolute power. The so called policies of liberalization to deal with the secessionists and other anti-national elements are in fact the part of this very game. There are number of instances to build up that people with doubtful loyalties have been encouraged.
8. This situation if allowed to continue unchecked for some time more will become very explosive and dangerous. The wider interests of the security and integrity of India demand that such a situation should not be allowed to develop at any cost.
9. This can be possible only if the Govt. of India takes the initiative to repeal article 370 of the Indian Constitution and brings the state in line with other States of India in all respects. Such a move will be welcomed by a large majority of the people of Jammu and Kashmir State, both Hindus and Muslims, and would set at rest the prevailing doubts and uncertainty about the future of the State which is being exploited by Pakistan to the disadvantage of India.

Continued....?

10. The prevailing corruption and maladministration in the State are no less alarming. But they cannot be effectively dealt with so long as the present separatist and communal trends in the politics and administration of the State are not removed.
11. While Pakistan and China were busy in war preparations and hostile postures along our borders, but little is being done to prepare the people in the border areas to meet any emergency.

And Jana Sangh in the wider interests of the unity and integrity of the country, reaffirms its stand that no sacrifice is too great to achieve its goal that "Ek Desh men do Vidhan" "Ek Desh men do nishan, nahin chaleng , nahin chaleng".

Sd/- Baldev Singh,

President,
J&K Jana Sangh, Jammu.

Mr. Prem Nath Dogra, President, J&K Praja Parishad has sent
subjoined the following note ~~scheme~~ to the Education Minister on
the Educational Scheme of the Jammu and Kashmir Government for the
State.

* The above scheme on the paper is an attractive one. If
executed with earnestness it bids fare to take the State forward
in the educational and cultural sphere. I am in general agreement
with the scheme. But I would like to offer a few suggestions ~~suggestions~~
regarding some of the items.

The curricula for girls after the primary stage should be
quite different from the one meant for boys. It should be drawn
with an the roll woman has to play in our society. She is normally
not expected to be a bread earner. Her main role is that of mother
and the house keeper. Education should help her in becoming a better
^{mother} mother and better house keeper/than a clerk or a typist. A detailed
and separate scheme for the women's education needs to be drawn up.

The scheme is blank about the teaching of Hindi and Sanskrit.
Sanskrit being an ancient seat of Gendritic learnings, the study of
Sanskrit should be given a honoured place in any scheme of educational
and cultural regeneration of the State.

Hindi as the national language of our country must
find a place in the curricula right from the primary stage. It is
however nowhere mentioned in the whole scheme.

I do not agree with the authors of the scheme in the matter
of medium of instruction. The medium of should be either the mother
or the national language i.e. Hindi. Urdu, simple or difficult,
is not the language of any part of the our State. Persian script is
singularly unsuited for the writing of Dogri, Kashmiri as also Budhi
all of which have their own scripts very alien to the Dev Nagri
script. I would suggest Dev Nagri should be adopted as the uniform
script of Dogri, Kashmiri and Budhi all over the State. In the said
matter of medium choice should be given to the parents. If they
want their words to be taught in Dogri or Kashmiri or Budhi in the
primary stages, their wishes should be respected. But if they want
to start with Hindi, provision should be made for that. Even if Urdu
has to be taught it should be taught in Dev Nagri script and it re-

Page (2)

presently preferably be called Hindustani as Hindi is not acceptable
to me as it is only a form of it Hindi with more words of Persian and some
British origin which are naturally the worse in taste in our part of the
country because of historical reasons.

2-4-56

For favour of publication:-

Jammu, 2-4-56.

Statement issued by Shri Kider Nath Sahni, General Secretary, Bhartiya Jan Sangh Delhi State immediately after his arrival at Jammu on 2nd April 1956. It may be recalled that the government had imposed a ban on the entry of Shri Sahni into Jammu and Kashmir State and had refused him the necessary entry permit. Shri Sahni has defied the ban and has come to Jammu without a permit. He will be addressing a Public meeting this evening.

REASONS FOR COMING TO JAMMU

I wished I could reach Jammu and of course now I have. Even at the risk of being arrested and detained by the Jammu & Kashmir government, I decided to defy the ban put on my entry and chose a path of self-suffering. I aimed at bringing to the notice of my people the vital issues involved in the invidious act of the government and also the dictatorial policies inspired by the spirit to help their party -ends, being pursued by them. I feel that even my incarceration in Kashmir jail will serve the interest of my country. It will not only create a consciousness in the people that more is needed to be done to bring J & K state in line with rest of India but also that it will help them realize the fact that if India but also that it function as a democracy its people must guard and assert for their democratic and constitutional rights.

By refusing me permit to visit Jammu to take part in the Municipal elections which in all respects is a perfectly lawful activity, the government has tried to smother democracy. It is my constitutional right to go anywhere in the country including J & K state for the lawful activities of my party. By this refusal the government has infringed my fundamental right guaranteed to me in the Indian constitution. I cannot be a party to it.

People throughout the country have been told many a times that the permit system was only for the security purposes to check the infiltration of enemy-agents into the J & K state. Then why its application in the case of those who stand for fullest integration of Jammu and Kashmir with India and whose patriotism

stands undisputed. The ban put on me I am sure, will explode the myth in the above cited government declaration and make crystal clear to fact that the government is out to exploit the permit system for pure party-ends to help the National Conference in the elections.

By coming down to Jammu without a permit and covering a distance of 75 miles from the J & K state border (that I covered to Jammu) without being checked even once, I can very well say that as far as the security purposes are concerned, this permit system is a most ineffective weapon. People desirous of coming in Jammu and Kashmir state for Anti-national activities need not apply for permit and still they can enter the J & K state and have a safe return journey after doing their nefarious jobs without even a slight possibility of being detected. Government must revise its policy. There should not remain any necessity of any permit for the Indian Nationals. For traitors, of course we have separate laws to punish them.

I feel that for the best interest of the country the present permit system must go and Jammu & Kashmir be brought in line with other states of India. The artificial distinctions being maintained in Jammu & Kashmir and rest of the states creates a situation that helps only the separatist forces and none else and that can be exploited for creating uncertainty in the minds of innocent people of the state regarding the future of Jammu & Kashmir.

From the answers given by the Minister of Defence and also the Minister of Defence Organisation in Lok Sabha that the permit has been refused to me because the Jammu & Kashmir government has objected to my going to Jammu on the eve of elections. This makes the refusal to give permit all the more revolting to a democratic conscience. Obviously the Jammu & Kashmir government does not want the Praja Parishad, the only effective opposition party in Jammu & Kashmir to have the benefit of guidance and support of Jan Sangh workers while it is exploiting all the resources of the government as also the personality of the congress president Shri N.N. Bhushan who visited Jammu only a month ago. As a

democrat who wants democracy to live and function in this country I must not yield to this fascism of the worst type and must assert my democratic right of carrying on election work for my party in Jammu & Kashmir as else where.

Further more I feel that to submit to this invidious ban would have amounted to going against the noble tradition set up by our great Leader, the late lamented Mr. Syama Prasad Mukherjee who laid down his life to assert the right of Indian citizens to move about freely in Jammu & Kashmir as in any other part of the country.

(Sd.) Kedar Nath Sahni
General Secretary,
Hartiya Jan Sangh
DRAWAJI PARASHU

PHOTOGRAPH BY S. P. SINGH

~~In the present set up in the state.~~

The huge public procession taken out

as a protest against the high handedness of the Presiding Officers and polling Officers was attacked ^{and proceeding peacefully on approved route r-}

by the Prime Minister personally alongwith his hired

~~in their return
order from
the Hague
as none was
present or shot
+ without warning~~ Goondas. The lathi, teargas and firing resorted on ladies and Children numbering 6000 and other gentry

~~numbering 20,000.~~

of the city was a result of the preconcieved violent

attack hatched by the Chief Minister and his henchings. ^e
~~The dispersal order~~ and that is my ^{no} dispersal order was given before their use.

The enemy ~~on~~ our doors is making capital

out of all the misdoings of our rulers and yet they do not realize ^{not} themselves ^{the}

and they are strengthening subversive and anti-National activities of ~~anti~~ social elements. I

wish God Almighty may grant reason and sense to the

~~Prime~~ Chief Minister of Jammu and Kashmir State to ~~mead~~ on

the right path. ~~of~~

*13.*****

~~Statement made at press conference of H. S. Sardar is reported~~
The recent Statement of their hon. member Ghulam Mohd at Delhi regarding the future set up of ~~Kashmir~~ State is a distortion of facts and full of ~~misrepresentation~~. The past experience of facts and full of ~~misrepresentation~~. The Kashmir Premier speaking in the same tone as that of Sheikh Abdullah when he says "Circumstances in the State both historically and politically were different from those in other parts of the country". It shows the deliberate distortion of facts. Historically and politically Kashmir had been always of India and keeping the fact in view the ~~King~~ Ruler in favour of India and the Assembly decided for the complete ~~par~~cession of way in ~~with~~ the Indian ~~Mohd~~ inter ~~under~~ conduct but its assembly in fact the recognition of the ~~Government~~ ~~brigade~~ of Bakshi with the rest of ~~India~~. It is wrong to say that Jammu and ~~Kashmir~~ was the only State in India with a Constituent Assembly. Therefore, it has a right to have ~~independent~~ ~~state~~ constitution. It only the ~~one~~ when he ~~the~~ that Kashmir State that only as per its Constituent Assembly ~~other big~~ ~~states~~ like Hyderabad, Mysore, Pepsu and others, Civil ~~and~~ ~~constituted~~ ~~missionaries~~ had the System of Government ~~as~~ and for the patriotic ~~officials~~ ~~in~~ ~~for~~ the unification department are ~~they~~ ~~try~~ opted for the adoption of ~~the~~ Constitution of India metime by C.A. of India where they had ~~a~~ sent their representatives to a ~~seems~~ ~~thinking~~ in terms of mind of the Kashmiri ~~people~~ at that ~~time~~ who ~~is~~ also thinking in terms of Sheikh Abdullah to be kept in ~~the~~ Constitution even though the ~~Kashmir~~ State like other States in India who ~~only~~ represented in C.A. of India. This tendency of sepratism shall have to be ~~erased~~ to the interest of the Country ~~as a whole~~ ~~is detrimental~~ crushed even though we have to pass through any ordeal that we may be put to. This move of having a separate Constitution cannot at all be deemed to be ~~patriotic~~ patriotic step for ~~that~~ it is likely to encourage the antinational and antisocial elements active on the border provinces of the country to carry out their sinister designs of maintaining a separate ~~entity~~ ~~of their own~~. Moreover it is totally wrong to say that the public in the State ~~is~~ in the favour of framing a separate Constitution for the State.

(continued page 2)

Bok. Ghulam mohd expressed in the same
ment that the (2) people of Kashmir do not want
are the Jurisdiction of Election Commissioner of India.
The real fact as to why Bakhshi Mawdooz Ghulam Mohd and his ~~minis~~

ligues does not want the Jurisdiction of Election Commissioner of India in the State is to carry on their ~~benious~~ ~~tactics~~ ~~unfair highhanded~~ ^{in fact} election in a "secret" manner. The past experience of the people of Jammu and the State is startling and an eye opener to them and that is why they want the elections to be conducted under the ~~supvision~~ ^{er} of the election Commissioner of India. The illegal rejection of the applications of the opposition candidates and issue of sealed ballot papers ~~hundres~~ hundreds in number during the recent Jammu Municipal Elections, a day previous of the election, to the members of the ruling party to be cast in favour of their candidates are a few instances of the "free and fair" ^{coming} way in which B. Ghulam Mohd intends to conduct the election to the Assembly in the State. It is the ~~Geonda~~ Brigade of Bakhshi G. Mohd which very often disturbs the peace in the State rather than the peace loving population of the State. ~~living therein~~.

The Kashmir Prime Minister is absolutely wrong when he says that the people of the State ^{have} any aspiration for a separate Judiciary, Civil Service or Election Commissioner. In fact the people are fed up with the present system of Government in the State where the Officials including ~~in~~ Judicial department are demoralized ^{used} ~~partly~~ to serve their ^{purpose}. Justice is delayed and sometime denied in many a cases. The position of the High Court has been reduced to a mockery in as much as that they cannot transfer a ~~Munsiff~~ Munsiff at their sweet will. When the ^{together as} proposals of High Court are kept in the cold storage for ^{not} ~~to be~~ ^{wic} deemed in accord ⁱⁿ the wishes of the Law ~~Minister~~ Minister or the ^{Minister} Prime Minister. Executive interference has thus increased to such an extent that a time is not far off when the people will adopt to decide ^{the} course best suited to them to get ^{rid} ~~order~~ of the circumstances they are passing through. It is not the question of ^{the} partition of the Kashmir by the rest of country as desired ^{by} the ~~of~~ the Kashmir Prime Minister but it is a matter of principle which has not to be ^{swit} used to ^{sooth} the Kashmir Prime Minister's sepratist tendency. The country as a whole is to be kept intact without any discriminatory treatment to the inhabitants ^{may be} whether it is ~~is~~ Bakhshi Ghulam Mohd or Shiekh Abdullah or any body living in the rest of India.

The Kashmir Premier is not correct when he says that the people

of J&K State enjoy the same fundamental rights and ~~constitution~~ constitutional remedies as the Indian people elsewhere. A perusal of the Presidential Order of 1954 applying certain provisions of the Indian Constitution to the Kashmir State would show that the fundamental rights Chapter as applied to the State does not confer the same rights on the people of the State as people living in the rest of India enjoy. Article 136, 137, 138 and 139 of the Indian Constitution conferring right of appeal to the supreme court are not applicable to the Kashmir State. Similarly Article 226 of the Indian Constitution has also not been applied to the State. xxxxxxxx xxxxxxxx These facts clearly belie the Statement of Kashmir Prime Minister.

I would therefore appeal to the press, leaders and the patriotic forces of India not to be misguided by the frivolous Statement of Bakhshi Ghulam Mohd, Kashmir Premier, but to stand by these forces who for patriotic reasons are fighting for the complete application of the Indian Constitution in The State.

ALL INDIA BHARATIYA JANA SANGH
Central Office.

Ajmeri Gate,
Delhi, 26.4.56.

Resolutions adopted at the Bharatiya Pratinidhi Sabha
Session on the 21st. and 22nd. of April, 1956 at Jaipur

Resolution
No. 1.

Kashmir.

Bharatiya Jana Sangh all along considered the accession of Jammu and Kashmir State to India as final and irrevocable and has regarded all talks of plebiscite in Kashmir as irrelevant and uncalled for. It is therefore, happy to note that the Prime Minister Pt. Nehru has after all accepted and vindicated this stand of the Jana Sangh in his recent statement in the Lok Sabha. But it is pained to find that he has marred the effect of this correct, though belated stand by revealing that he had made a secret offer to Pakistan in contravention of the Constitution of India to accept the Cease-fire line as the permanent line in Kashmir for a final settlement of the Kashmir i had between India and Pakistan. This, the Jana Sangh holds, amounts to gross betrayal of Indian interests in Kashmir and an abject surrender to Pakistan's aggression in Kashmir.

*The Jana Sangh
and all this
were not
present in
the park*

The Jana Sangh emphatically reiterates its often repeated stand that the whole of Jammu and Kashmir State is an integral part of India and aggressive occupation of any part of it by Pakistan is aggression against the whole of India. It therefore, demands that Pt. Nehru must withdraw the statement that all possible steps should be taken to liberate the occupied areas of Kashmir at the earliest.

At the same time steps must be taken to fully integrate the Jammu and Kashmir State with the rest of India by applying the Constitution of India to it in full without any exception so as to bring it into line with other states, and holding general elections there along with elections in the rest of India under the supervision of the Election Commission.

All restrictions on the entry of Indian citizens into the State must be removed. All these steps, Jana Sangh is convinced, are essential to bring normalcy to the state as a constituent unit of India and remove the feeling of uncertainty in the minds of the people which has been so far exploited by Pakistan and her agents to the detriment of Indian interests in Kashmir.

Resolution
No. 2.

States Reorganisation.

The Bharatiya Jana Sangh had accorded its general approval to the recommendations of the S.R.C. with certain modifications thereof. But the Government of India made matters worse by serious departures from the S.R.C. recommendations, without any consistent principle and in many cases to appease vested interests and communal groups. As a result, serious agitations and repercussions took place and disorders on a large scale occurred which were most deplorable.

At present, the situation has improved, large scale disturbances have ceased and a Bill is before the Parliament for States Reorganisation. In some areas, particularly, the Eastern Zone, Maharashtra and the Punjab, agitation, though of a peaceful nature, and mainly in the form of Satyagraha continues.

In the Eastern Zone, a new proposal - quite different from the recommendations of the S.R.C. - was suddenly made in the shape of West Bengal - Behar merger. This proposal has met with almost universal opposition in Bengal; and it has not been welcomed even in Behar. In consequence this so called "merger" proposal has been diluted and hedged round with conditions - like two capitals, two High Courts, two Regional Councils, two budgets, two legislatures, unilateral right of secession etc. - that the "merger" proposal has become a mockery; and leads to the inference that the original proposal of "merger" itself had not been a genuine or bonafide proposal at all, but merely intended to serve the ends of the Congress party. The Jana Sangh

therefore, feels that this so called "merger" proposal should now be dropped altogether.

As to Maharashtra, now that the government of India has thrown out the S.R.C. recommendations of the bilingual state and decided to have two separate states, Maharashtra and Gujrat, there is no reason why the Bombay city - which is indisputably in the Maharashtra area - should not be included in Maharashtra, but be made into "Centrally administered" State. The Jana Sangh is not in favour of any area being made into a centrally administered state (except of course Delhi for obvious reasons); and the Jana Sangh accordingly feels that the Bombay city should be included in the State of Maharashtra.

The decision to create Zonal Councils for a group of provinces with purely advisory powers; Jana Sangh feels, is a retrograde step in so far as such councils will accentuate inter provincial bickerings without in any way strengthening the unity of the country. The creation of such zonal units within the ~~Unitary~~ ^{and} ~~also~~ ^{and} awaken regional loyalties as distinct from national loyalties. Furthermore creation of Regional Committees within the province and Zonal Councils above, the provinces in between the centre and the States will tend to make the constitutional set up more and more complicated. The situation in the country and needs of national unity demand Unitary form of government rather than a four tiered system as envisaged by the S.R.C. Bill. It will create a sort of sub-federation/confederation together with the Indian Federation which might clash with one another to the detriment of wider national interests of the country as a whole.

Resolution No. 3.

East Bengal Exodus.

The Jana Sangh is profoundly shocked at the sudden reversal of policy of the government of India with respect to the exodus of Hindus from East Bengal. It appears that following the out-

outcry for "cieling" the border raised by Raja Ghazanaffar Ali Khan (Pakistan High Commissioner in India), presumably at the instance of the Pakistan government, secret insturctions were issued to the Indian Deputy High Commissioner at Dacca some months ago severely to restrict the issue of migration certificates to intending Hindu migrants who had to leave their hearths and homes in Pakistan in view of the intolerable conditions prevailing there for the Hindu minorities, particularly after the declaration of Pakistan as an Islamic Republic. This restriction has virtually amounted to 'banning' of further migration from Pakistan to India. This "banning" is in gross violation of the basic conditions of the partition of India e.g. that the minorities must be assured honourable existence, with absolute security of life and property and equality of opportunities for livelihood and failing that, the minorities must have the freedom to migrate. This condition and assurance

~~to the personal rule~~ the Nehru Liaquat pact on 1950.

~~had been denied~~ ~~the~~ ~~ming~~ ~~of Hindu mig~~ ~~on from East Bengal~~
~~at the be~~ ~~of the S~~ ~~kistan, has thus been India government's~~
~~abject sur~~ ~~and vi~~ ~~the forces of communalism let loose in~~
~~the Islamic Republi~~ ~~and it is calculated to result in the~~
~~extermination or the forcible Islamisation of the Hindus in~~
~~East Bengal. The Jana Sangh accordingly condemns this weak-kneed~~
~~policy of the government of India and demands that it be given~~
~~up immediately.~~

While the Jana Sangh is convinced that the refugee problem (whether from West or East Pakistan) cannot effectively be settled until the partition of India is annulled and the refugees are restablished in their homes, the Jana Sangh feels that in the meantime pressure must be effectively brought to bear by the Government of India on the government of Pakistan so that decent and honourable treatment of the Hindu minorities as equal citizens be assured in Pakistan. Various methods have been suggested for this purpose e.g. adoption of a policy of

'reciprocity' in its relations with Pakistan, or of exchange of population or of demanding additional territory from East Pakistan to accomodate the teeming millions of Hindu migrants. The Jana Sangh feels that the government of India cannot in any case shirk its responsibility in this matter - whatever methods it may have to adopt to bring Pakistan to reason.

So long as the stream of migration continues, however, the Jana Sangh feels that the problem must be visualised in its proper magnitude. The government of India must not live under the illusion that the migration is going to cease or that it is only temporary and that the migrants may even possibly return to Pakistan and so on, but must proceed on the basis that, if present conditions in Pakistan are allowed to continue, the whole of the Hindu population in East Bengal amounting to nearly a crore may come over and the government must make provision for accomodating and rehabilitating the entire migrant population.

In making this provision care must be taken to see that, as far as possible, the personal rule of King led in ~~India~~ before were for the provinces had been denied elements of royal mirings, or in case they have of the State, further away in the distant parts of India, migrant individuals who acquire lands so that they may not feel isolated nor may be able to live and develop in the midst of a fairly big community of their own and become useful citizens of India.

Resolution
No. 4.

Goa.

The Government of India when it banned the entry of Indian Satyagrahis into Goa had taken upon itself the responsibility for liberating the Portuguese colonies in India. But it is a matter of regret that Government of India has so far failed to discharge that responsibility. In the meanwhile Portugal has been steadily strengthening its position and is successfully trying to get the active support of countries hostile to India. It is, therefore, considered view of the Jana Sangh that liberation of Goa would be getting difficult

with the passage of time. Jana Sangh therefore, demands that Government must take effective steps to liberate Goa or else remove the ban on the entry of Indian Satyagrahis so that the people of India may be able to do their duties in the matter.

Jana Sangh takes this opportunity to send its good wishes to Jana Sangh Secretary, Shri Jagannath Rao Joshi and leaders of other parties who are passing valuable days of their life in the prison cells of Portugal to remove the curse of slavery from the soil of India. Jana Sangh is convinced that their hardships will not go in vain and time will come sooner than later, when their sacrifices will bear fruit and Goa will be liberated inspite of the weak policy of the Government of India.

Resolution
No. 5.

Sales Tax.

Sales Tax was first imposed in India as a temporary measure. But now it is being given a permanent shape all over the country. The experiment of past few years has made it clear that it is a retrogressive tax whose burden falls primarily on the

~~to the personal rule of Kings and royal ministers a~~
~~had been denied elementary rights in the management~~
~~affairs of the State. All power was concentrated in the hands of individuals who acquired it through~~
~~servants.~~

Therefore, it is the considered view of the Jana Sangh that sales tax should be completely abolished.

Resolution
No. 6.

Defence

Hostility of Pakistan towards India which has been manifesting itself in many ways during the last eight years has assumed dangerous proportions since the beginning of the inflow of American Military Aid into Pakistan. Growing number of border raids, persistent preaching of Jehad against India by the Pakistani press and misleading propaganda against India by Pakistani leaders and rulers who have joined Baghdad Pact and SEATO to encircle India and to be able to deal with India from a position of strength give a clear indication of

the seriousness of the situation.

At the same time a planned and large scale infiltration of Pakistani Muslims is going on in the border areas of Kachch, Rajasthan and Jammu and Kashmir to increase the numerical strength of Muslims in the border areas of India. Pakistani spies and agents are entering India in hundreds in various ways to create internal disruption in India with the help of anti-national forces within. Recent happenings in Lucknow, Sambhal, Satana and Bhopal, where secret transmitters were discovered are a clear indication of the fact that successful efforts are being made to sabotage India's security from within. Construction of military bases in Goa, Dieu and Daman by Portugal which is getting fullest support from Pakistan also point to the growing danger to India's security.

The people and government of India cannot remain complacent about this situation. Security of the country is the primary responsibility of a free nation and it is the duty of every ~~the people here were subjected~~ to the personal rule of Kings and royal minions and they had been denied elementary rights in the management of the affairs of the State. All power was concentrated in such individuals who acquired it by ~~people must be~~ used it for self-aggrandizement, self-sufficient in the matter of weapons and other equipment of defence, effective steps should be taken to check infiltration of Pakistani citizens and spies into India and plan should be made to impart compulsory military training to all youngmen in the country.

Bharatiya Jana Sangh also calls upon all its branches and workers to be alert and active in educating the people about their responsibilities in the matter of defence of the country,

1952

Sir,

This Assembly has today added a bright chapter to the history of our State. The election of the first Sadar-i-Riyasat is an event of historic importance enriching the legacy that this Assembly is leaving to the generations to come. Such moments of glory rarely come in the annals of a people and the memory of this great event will be cherished long after the din and bustle of conflicting passions and petty controversies have subsided.

The election of the first Sadar-i-Riyasat by the representatives of the people of the State marks the end of an epoch. For centuries the people here were subjected to the personal rule of Kings and royal minions and they had been denied elementary rights in the management of the affairs of the State. All power was concentrated in the hands of individuals who acquired it by virtue of their birth and used it for self-aggrandisement with callous indifference to the well-being of the vast majority of the people. Today the fight for freedom waged by the people has been brought to a successful culmination as complete power and sovereignty have been transferred to their chosen representatives who, in the exercise of that power, are electing, for the first time, the Head of the State. This event is the supreme fulfilment of the aspirations of our people.

The spirit of the times has brought about a great awakening among backward peoples impelling them to new urges and hopes. Everywhere there is a keen desire for freedom, democracy, and social change. Wherever these legitimate expressions of the resurgent people's movements are sought to be stifled, and a smooth social transformation is resisted, violent conflicts have ensued.

The mighty sweep of the Indian National movement which gradually embraced the entire Indian sub-continent, compelled the British to leave. Consequently, all the concomitants of imperialist domination had to yield place to popular systems of Government.

As a result of this tremendous change, the princely autocracies in India, which had been reared and supported by the British, began to vanish. The people in these areas, having gone through immense sacrifices and struggles under the leadership of the All India States' Peoples Conference, eagerly desired complete democratisation of their respective administrations. The process was set in motion and Prince after Prince had to bow to the popular will.

It is a matter of some pride to us that the Jammu and Kashmir National Conference has always stood in the fore-front of the States Peoples' struggles. It is, therefore, no accident or freak of fortune that our State is the first to embark upon total democracy. This was the objective which our National movement had set before itself and for the achievement of which our people had been fighting for the last twenty years.

I am aware that our movement derived immense strength and support from its kinship and association with the Indian National movement which is guided by similar social and economic ideals. During the last five years our progress towards our objectives has been helped and advanced by our ties with India. We have traditions of common ideals and common struggles with the people of India and in future also these traditions will, I hope, make our ties with them more intimate and lasting.

India, I have no doubt in my mind that the democratic ideals which we have held dear all these years would never have reached fruition in the backward and feudal conditions prevailing in Pakistan. Sir, it is worth while to recall here the treatment that our people have received in the past at the hands of the leaders of Pakistan. In the course of our struggle against autocracy, while we received generous support from the Indian people, the Muslim League leadership denounced our national movement and many of these leaders even went to the limit of giving assistance to the local administration in suppressing it.

At the time when we were engaged in the struggle for our freedom, the leaders of Pakistan were offering tempting assurances to Maharaja Hari Singh to draw him into an accession with Pakistan. They declared that his authority would not be tampered with and that he would have greater freedom in case he would accede to Pakistan. We have no reason to believe that these promises would not have been fulfilled if the events had been propitious for such an arrangement. The Rulers of the States in Pakistan even to this day enjoy their exclusive privileges and prerogatives and for the unfortunate people in those areas, freedom and democracy have proved illusory and fruitless. It is clear that the progressive measures that we have adopted in the State to end feudal exploitation and social injustice would have been impossible in Pakistan where feudalism, reaction and autocracy still thrive to the misfortune of millions of toiling people living in that country.

The basis of our conflict with the ruling clique of Pakistan lies in the divergence of our respective ideologies. All along, the Muslim League leadership

supported the claims of the Princes to be the rightful spokesmen of the people of the Indian States. As against this, the attitude of the Indian National leadership stood in vivid contrast.

This basic aspect of the situation deserves to be reiterated. Today, we hear a good deal of prattle from the press and platform in some quarters in Pakistan about democracy and the people's rights. I am sure that every Kashmiri remembers recent history and as such can tear through the thin veil of these false professions. Was it democracy to uphold the privilege of the Prince in preference to the rights of the people? Was it democracy to unleash barbaric violence against a peaceful and unarmed people in order to force them into a coercive alliance? When violence and frightfulness failed to yield dividends, because of the heroic resistance of the people of Kashmir, with the gallant aid of the Indian army, the language of democracy began to be employed as a new strategem. I would in all humility like to make it clear that the people of Kashmir know the meaning and content of democracy and freedom because they have earned these with their blood and not by accident. The people of Kashmir today have given significance to the basic ideals of their struggle in political, economic and social spheres. It is in Kashmir that the monarchical system has been terminated — not merely the symbol of monarchy but all the feudal institutions associated with it. The change in the character of the Head of the State is not the beginning of this process of dissolution of feudalism as such but its culmination. These are incontrovertible facts admitted by all those who have witnessed the infant democracy of Kashmir at work. Of course, the leaders of Pakistan may refuse to face them for the obvious reason that their own people are eagerly aspiring for similar social changes. Many delusions are and

have been sodulously practised on them with the purpose of misleading them about the real happenings in our State. I have no doubt that right-thinking men and women in that country must be already aware that truth and justice is on our side.

While assessing this fundamental change in our political set up, it is unwise to confuse the issues with individuals and personalities. The pattern of behaviour and action of an individual reflects the characteristics of the mould into which he is cast. It is, therefore, that our movement has sought to effect changes in the system and social environment without getting bogged down in the controversies relating to persons.

Today our party has given proof, if one was needed, that it was actuated by the highest principles of democracy and not by rancour or animosity in its struggle against autocracy. I am glad that the House has made a splendid, and, if I may say so, a befitting gesture to Shri Karan Singh Ji by accordinq him the unique honour of choosing him as the first Sadar-i-Riyasat. This is one of the rare occasions when the last representatives of the old order becomes the first honoured citizen under a new dispensation.

Now that sovereignty has been completely restored to the people of the State, their responsibilities and obligations acquire a new emphasis and importance. Our achievements so far are a tribute to the unity of purpose and resolve of all sections of the people inhabiting various regions of the State. The corner-stone of this unity has been the mutual respect for and accommodation of the wishes and aspirations of the people of different parts of the State. Our conception of freedom cannot include any idea for the appropriation of power by any

particular clique, group or area. This re-statement of our faith is necessary today as voices have been raised by some interested persons which can do incalculable harm to the unity and integrity of our country. The only answer which we must give is to enrich our newly acquired freedom by affording equal opportunities to all for acquiring uniform development of social, economic and cultural standards. The backward areas and people have a special claim on our attention and their well-being alone can give meaning and substance to our freedom. The idea of domination of one group or area by another is, in our opinion, fatal to the successful working of democracy.

There are yet others who do not hesitate to drag in the bogey of religion, and charges of religious discrimination are made against our Party. This is an old and rusty weapon in the armoury of all those who want to obstruct the progress of our people. It is amusing that in this charge such elements in India and Pakistan agree for entirely opposite motives. The direction and objectives of the national movement in our State stand as a complete repudiation of such frivolous insinuations. Belief in secular democratic principles is the first article of faith with our Party and no provocation or temptation can make us alter our course.

It is obvious that these people cannot express their real intentions by opposing the just wishes of the people of the people of the State as

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expressed through this Assembly . They, therefore, try to mislead the people by taking cover under a false loyalty to India and her Constitution. The evidence of this harmful behaviour is provided by the meaningless controversy which has been raised about the State Flag. Their opposition to the State flag is not born out of their loyalty for India but constitutes an attempt to perpetuate the old flag of the Maharaja. Such people would only like to revive autocracy with its pomp and splendour, its rights and prerogatives.

There is no doubt that such elements have cut themselves adrift from the current of history and are sailing in its backwaters .They seem to ignore the resurgence of the people in India and Asia and continue to live on the hopes of feudalism coming to life and vigour again.

I am referring to these dangers as they threaten to weaken our solidarity and our relationship with India. It is, therefore, the duty of every citizen of the State to contribute to the collective strength of our country by which alone can we ward off these dangers . There was never a greater need for unity of thought ,purpose and action as today. Now that all power rests in the hands of the people's representatives, more urgent problems of national reconstruction await our attention. The liberation of our people, eager for a fuller and richer life, cannot be complete unless we widen the horizon of their liberties and rights. It is our task now to promote their welfare by securing a just social order for them. This needs proper planning and mass education in regard to the immediate and ultimate objectives.

I am glad to inform the House that the Government is already considering a number of schemes to make an auspicious beginning in this direction. The

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country's elementary needs for more schools, roads and canals are receiving due attention of the Government. In the sphere of over-all economic development the Panihal Tunnel project, the Jogindar Nagar power Supply to Jammu and the three community Projects in Kashmir, Jammu and Ladakh, will, I hope, be achievements in the near future.

But all this colossal task of national reconstruction needs the active and voluntary participation of the entire mass of our people. A new approach and out-look have to be fostered among them in order to infuse qualities of leadership, local initiative and co-operative functioning among them. The country will have to tackle these big tasks in a big way, with a new vitality and vigour.

This mass mobilization of our people for their economic and social development will alone afford the necessary strength to our political objectives by lending them substance and form. On the basis of this strength alone, can we be in a position to face the international problems in which our State is involved at present. I hold that the ultimate guarantee of our future is the unity and strength of our own people. Let us then pool our resources and deepen our roots in our soil.

Sir, even as we are consolidating freedom and democracy in our State, our future is sought to be decided in the councils of the world. I do not propose to weary you by recounting the details of the long and tortuous negotiations that have been conducted for the last five years by the Security Council as well as by its various representatives for

the settlement of the Kashmir dispute.

Recently, the course of these negotiations has been drawn into an entirely new direction. The British Representative in the Security Council, Sir Gladwyn Jebb has put forward fresh proposals to resolve the conflict between the parties. Suggestions totally unrelated to the case have been made in these proposals which would certainly repudiate even the commitments of the Security Council itself. All this is being done obviously with the idea of striking a balance in the points of view of India and Pakistan.

As the House is well aware, India complained to the Security Council that Pakistan had organized and abetted in the invasion of the Jammu and Kashmir State, which, by reason of its accession to India, was Indian territory. India sought that this aggression and its consequences must be undone and Pakistan asked to desist from violating the territory of the State. A U.N. Commission was sent out to the Sub-continent, who on their arrival here, were confronted with not only an over-whelming evidence of Pakistan's complicity in the invasion of Kashmir but also with the existence of regular Pakistan troops on the soil of Kashmir.

Taking this position, which later on was described by Sir. Owen Dixon as a clear violation of international law, into account, the Commission proceeded to lay down a formula by which necessary conditions of peace and order would be restored in the State. This formula was embodied in the resolutions of August 13,

1948 and January 5, 1949 of the UNCIP. These resolutions clearly recognized the following factors:-

1. that the sovereignty of Jammu & Kashmir State would not be brought under question;
2. that no recognition would be granted to the Azad Kashmir; *event*
3. that the Pakistan troops would be completely withdrawn from the State territory;
4. that all military formations, which were created, organized or otherwise controlled by the Pakistan Government had to be disbanded and disarmed;
5. that the question of Northern Areas would receive consideration in the implementation of the Commission's proposals.

I feel that the time has come when the people of our State must bring out the contradictions and inconsistencies that have characterized the handling of Kashmir dispute by the Security Council. In order to secure justice and fairplay for the State's people, reference had been made to the Security Council so that Pakistan could be persuaded to withdraw her regular forces and the forces under her authority from the territory of the State. In reply to this charge Pakistan confronted the world with a denial of any connection with the invasion of the State. But being threatened by an exposure as a result of the on-the-spot investigation by the UNCIP the Pakistan Government not only admitted its complicity in the tribal incursion but announced that its troops had moved into the State. Even in face of this flagrant violation of the assurances given by the Pakistan Government to the Security

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Council failed to take any effective steps to deal with the situation.

The UNCIP recognized certain rights of India in the territory of Jammu & Kashmir by virtue of the legal accession. Subsequently the Security Council, instead of confirming these rights as the basis of a satisfactory settlement, gradually sought to reduce the claims of India and on the contrary elevated the position of Pakistan which had been named by the complainant as a party to the aggression, to the status of an equal with India. The UNCIP resolution, which Sir Gladwyn Jebb makes the basis of his new principles, had admitted that all proposals for the solution of the Kashmir problem should be without prejudice to the territorial integrity and sovereignty of the State of Jammu & Kashmir. They had clearly assured India that neither they nor the Security Council would recognize any new sovereignty in the state.

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It was even envisaged that the Plebiscite Administrator would derive necessary powers and authority from the Government of Jammu and Kashmir.

In his latest proposals, the British Delegation while slyly talking about the U N C I P resolutions has conveniently ignored those basic facts. It is amazing to note that these proposals now seek not only to nullify the fundamental principles of the U N C I P resolutions but aim at equating the position of the aggressor with that of the aggrieved. And yet all this is being done in the name of justice! It is clear that such unsatisfactory proposals cannot be acceptable in any form or shape to our people.

I have not been surprised by the recent statement of Sir Gladwyn Jobb. He has carried forward with a certain amount of consistency, the views of his predecessors in the Council. These views conform to the larger policies which the British Government has been pursuing immediately before and after the partition of India. It will be realised that the responsibility for the complications which beset the Kashmir issue today are a direct consequence of the British Imperial policy towards the Indian States and especially in its application to our State. The origin of the Kashmir trouble was not unknown to the British Government and if there were the smallest evidence of sympathy or foresight perhaps the trouble could have been very well averted. This is not of course an isolated instance of the complicity of the British Government in complicating relations between parties which, but for their constant interference, would have been friendly with each other. As a colonial power, the British Government is always impelled to safeguard its own interests and its policies are not always dictated by principles of

democracy and freedom. What is happening today in South Africa and some other British colonies is a clear illustration of this policy.

As I said earlier, the attitude of the British Delegates did not very much surprise me but I have been certainly pained to observe that the United States Government has associated itself with the present resolution in the Security Council as its co-sponsor. It is a matter of regret that a great country like the U.S.A. should lend its support, apparently with no colonial interests, to unpopular causes in its eagerness to secure the good-will of the British Government. If this policy of backing the wrong horse is continued, the smaller nations, who are struggling to liberate themselves from colonial subjugation of the British and other countries will soon lose faith in the ability of the United States to safeguard the principles of democracy. It is not philanthropy which can win America friends in Asian and Colonial countries, but an active interest in and warm sympathy for their freedom and progress. No one, I hope, misunderstands the implications of the latest British move in regard to Kashmir. This has been deliberately put forward in order to disrupt the solidarity of the Asian and Arab peoples in the United Nations, which seriously threatened the position and interests of all colonial powers. I have no doubt that these nations will not be misled by the subtle attempt to divide their ranks.

In the end, Sir, I would like to tender my sincere felicitations to Shri Karan Singh Ji for the unique honour that this Assembly has accorded him today. The representatives of the people have given their confidence and trust to him and I have no doubt that he will fulfill the tasks assigned to him justly and impartially. I hope that he will make a worthy contribution to the unity, progress and happiness

of the people of Jammu and Kashmir during his tenure of office as the first Sadar-i-Riyasat.

On this historic occasion, Sir, I remember all those countless martyrs of our State who laid down their lives so that their brethren may live in peace and freedom. The spirit of their memorable sacrifices shall inspire and guide us always in our progress towards our ultimate goal of a happy and prosperous New Kashmir. May we all be worthy of their traditions and true to their sacred memory!

On this solemn day of Victory, Sir, let us all offer our humble prayers to the Almighty for His Grace in having guided us to right thoughts and deeds. May He in His Mercy for ever protect us from evil and lend us strength to serve our people with sincerity and devotion!

Amin.

